



# ***CITY COUNCIL***

## ***Meeting Agenda***

***REGULAR MEETING  
COUNCIL CHAMBERS***

***TUES, MAY 26, 2009  
7:00P.M.***

### **OPENING MATTERS**

**CALL TO ORDER**

**INVOCATION:** Pastor Jack Williams, First Century Worship Center

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

### **PROCLAMATIONS AND PRESENTATIONS**

#### **Council Commendations**

- Recognizing National Public Works Week, accepted by Public Works Director Charlie Jones
- Recognizing the 125<sup>th</sup> Anniversary of the Children's Home of Reading, accepted by Vincent J. LaSorsa, President and CEO
- Recognizing the achievements of Brian Appleton, Holy Name High School student
- Recognizing the achievements of Seona Choi, Holy Name High School student
- Recognizing the achievements of Ian Gavigan, Reading High School student

### **PUBLIC COMMENT – AGENDA MATTERS:**

*Citizens have the opportunity to address the Council, by registering with the City Clerk before the start of the meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or any person becoming unruly while addressing Council may be called to order by the Presiding Officer and may be barred from speaking before Council, unless permission to continue speaking is granted by the majority vote of Council.*

*All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to*

*order.*

*Those commenting on agenda business shall speak at the beginning of the meeting and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3 minutes. No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's remarks. Citizens may not ask questions of Council members or other elected or public officials in attendance.*

## **APPROVAL OF AGENDA**

**MINUTES:** Council Meeting of May 11, 2009

**AGENDA:** Council Meeting of May 26, 2009

## **Consent Agenda Legislation**

**Resolution** - authorizing the Mayor to execute a FFY2008 one year Action Plan and FFY2004 to FFY2008 five year Consolidated Plan amendment (**Community Development**)

**Resolution** – updates to Met-Ed lighting agreement (**Managing Director**)

**Resolution** – requesting Met-Ed install additional street lights along N. 13<sup>th</sup> Street from Rockland St to the City line (**Traffic Engineering**)

**Resolution** - authorizing the filing of an application for “RACP” funds in the amount of five hundred thousand dollars (\$500,000.00) for the YMCA of Reading and Berks County “Living the Legacy Capital Campaign” and to execute any and all necessary documents and to carry out all procedures as required by the Commonwealth of Pennsylvania (**Redevelopment Authority**)

**Resolution** - to approve a Sewage Planning Module for the Redevelopment Authority Penn Street Hotel and Garage project (**Public Works**)

**Award of Contract** – for the collection of miscellaneous taxes and fees, such as per capita taxes, EIT taxes, housing permit fees, business license fees to Linebarger Goggan Blair & Sampson, LLP, Philadelphia PA (**Purchasing**)

## **ADMINISTRATIVE REPORTS**

## **REPORT FROM OFFICE OF THE AUDITOR**

## **REPORTS FROM DIRECTORS OF BOARDS, AUTHORITIES, & COMMISSIONS**

### **ORDINANCES FOR FINAL PASSAGE**

**Ordinance** – amending Section 6 Prohibited Behaviors of the Code of Ethics by adding a provision regarding Fraudulent Behavior and amending the provisions regarding Use of City Property and Personnel and Political Activities (**Board of Ethics**)

**Ordinance** - approving collection procedures and adopting penalty, interest and schedule of attorney fees to be added to the amount collected as part of municipal claims for delinquent accounts for solid waste accounts (**Law**)

#### **Pending**

#### **Advertisement and Public Hearing Required by MPC Notice of Pending Ordinance Doctrine**

**Ordinance** - amending the City of Reading Code of Ordinances Chapter 27 Zoning by creating a new section in Part 11 Additional Requirements for Specific Uses of Zoning Districts by placing requirements for the rental of single family homes in areas zoned R-1, R-1a and R-2 and amending the definitions section (**Council Staff**) *Introduced January 2009; Public Hearing held March 18th at 5 p.m. in Council Chambers*

**Ordinance** - amending the City of Reading Zoning Ordinance per Exhibit “A” to create a new zoning district to be known as Municipal Use (MU) Zoning District and the uses allowed therein as well as the requirements for such uses and amending the City of Reading Zoning Map to reflect the addition of a new zoning district as described in and per the map attached as Exhibit “B” (**Law**) *Introduced at the April 27 regular meeting; Public Hearing to be held on June 3 at 5 pm in Council Chambers*

#### **Pending Further Review**

**Ordinance** - amending the City of Reading Codified Ordinances – Chapter 4 – Part 1 Historical Districts – Section 102 by adding the definition of satellite dish, antenna and other modern device and Chapter 4 – Part 1 Historic Districts by establishing guidelines for the installation of satellite dishes and other modern accessories, devices or fixtures of comparable size in historic districts (**Waltman**) *Introduced at the March 23 regular meeting; reviewed April 6 at the Public Safety Committee; Tabled at the April 13 regular meeting; review by HARB*

**Ordinance** - amending the City of Reading Codified Ordinances by creating a new Part 20 - Vacant Building Registration - in Chapter 10 Health and Safety Enforcement **(Council Staff & Law)** *Introduced at the April 13 regular meeting; reviewed and discussed at the April 20<sup>th</sup> work session; Referred to Public Safety Committee*

## INTRODUCTION OF NEW ORDINANCES

**Ordinance** - authorizing the Mayor to execute an easement agreement between the City of Reading and the Reading Area Water Authority thereby conveying unto the Reading Area Water Authority a non-exclusive, perpetual easement in gross upon that portion of premises known and designated as Easement 101-2 located within parcel ID # 530773-51-0576, along River Road, Reading, Berks County, Pennsylvania **(Law)**

## RESOLUTIONS

**Resolution** – reappointing Carl Herbein to the Convention Center Authority **(Administrative Oversight)**

**Resolution** – appointing Nicole Mengel-Groff to the Animal Control Board **(Administrative Oversight)**

**Resolution** – appointing Boyd Wagner to the Animal Control Board **(Administrative Oversight)**

**Resolution** – appointing Glenn Schmehl to the Fire Diversity Board **(Administrative Oversight)**

**Resolution** - A Resolution Extending The Term Of Real Property, Earned Income Tax, Net Profits Mercantile, And Business Privilege Taxes Within A Specific Geographic Area In Reading, Berks County, Commonwealth Of Pennsylvania (Reading School District) Designated As A Keystone Opportunity Zone, Keystone Opportunity Expansion Zone Or Keystone Opportunity Improvement Zone In Order To Foster Economic Opportunities, Stimulate Industrial, Commercial, And Residential Improvements And Prevent Physical And Infrastructure Deterioration Within Areas Of Reading, Berks County, Commonwealth Of Pennsylvania (Reading School District), Upon Certain Terms And Conditions **(Law)**

**Resolution** - Removing Exemptions from Real Property Tax, Earned Income Tax, Net Profits Tax, Mercantile and Business Privilege Tax within a Specific Geographic Area in Reading, Berks County, Commonwealth Of Pennsylvania (Reading School

District), Designated As Part of the Southeast Keystone Opportunity Zone **(Law)**

**Resolution** - Authorizing Real Property, Earned Income Tax, Net Profits Mercantile, And Business Privilege Taxes Within A Specific Geographic Area In Reading, Berks County, Commonwealth Of Pennsylvania (Reading School District), Designated As A Proposed Keystone Opportunity Zone In Order To Foster Economic Opportunities, Stimulate Industrial, Commercial, And Residential Improvements And Prevent Physical And Infrastructure Deterioration Within Areas Of Reading, Berks County, Commonwealth Of Pennsylvania (Reading School District), Upon Certain Terms And Conditions **(Law)**

## **PUBLIC COMMENT - GENERAL MATTERS**

## **COUNCIL BUSINESS / COMMENTS**

## **COUNCIL MEETING SCHEDULE**

### **Monday, May 25**

*\*City Hall closed\**

### **\*Tuesday, May 26\***

*Committee of the Whole – Council Office – 5 pm*

*Regular Meeting – Council Chambers – 7 pm*

### **Wednesday, May 27<sup>th</sup>**

*Neighborhood Meeting Hazel St Residents 6 p.m. at St Anthony's Hall*

### **Thursday, May 28**

*Properties of Merit Kick-off – Sovereign Performing Arts Center Lobby – 7 pm*

### **Monday, June 1**

*Meeting with the Mayor – Mayor's Office – 4 pm*

*Finance Committee – Council Office – 5 pm*

*Public Safety Committee – Council Office – 5 pm*

### **Tuesday, June 2**

*Public Hearing - Heights Historic District - 7 p.m. 13<sup>th</sup> and Union Elementary School*

*Community Meeting – 7 p.m. Historical Society*

### **Wednesday, June 3**

*Municipal Use Zoning Public Hearing – Council Chambers – 5 pm*

**Monday, June 8**

*Meeting with the Mayor – Mayor's Office – 4 pm*

*Committee of the Whole – Council Office – 5 pm*

*Regular Meeting – Council Chambers – 7 pm*

**Saturday, June 20**

*Budget Summit – 9 a.m. location to be determined*

**BAC AND COMMUNITY GROUP MEETING SCHEDULE**

**Tuesday, May 26**

Housing Authority Workshop – WC Building – 4 pm

Housing Authority – WC Building – 5 pm

Library Assn Neighborhood Assn – Unitarian Church – 6:30 pm

District 7 Crime Watch – Holy Spirit Church – 7 pm

Penn's Common Neighborhood Group – Penn's Common Meeting Room – 7 pm

**Wednesday, May 27**

BARTA – BARTA Office – 3 pm

Human Relations Commission – Penn Room – 5:30 pm

Parking Authority – Parking Authority Office – 5:30 pm

Environmental Advisory Council – Angelica Park – 6 pm

District 6 Crime Watch – 13<sup>th</sup> & Green Elementary School – 6:30 pm

Outlet Area Neighborhood Assn – St Mark's Lutheran Church – 6:30 pm

18<sup>th</sup> & Cotton Community Crime Watch – St. Matthew's – 7 pm

Northeast Crime Watch – Northeast Library – 7 pm

Stadium Commission – Stadium RBI Room – 7:30 pm

**Thursday, May 28**

Water Authority – Penn Room – 4 pm

**Monday, June 1**

Centre Park Artifacts Bank – 705 N 5<sup>th</sup> St – noon

Shade Tree Commission – Planning Conference Room – 7 pm

**Tuesday, June 2**

Charter Board – Penn Room – 7 pm

**Wednesday, June 3**

Reading Elderly Housing Crime Watch – Front & Washington Sts – 2:30 pm

Board of Health – Penn Room – 6 pm

District 2 Crime Watch – St. Paul's Lutheran Church – 6:30 pm

**Thursday, June 4**

Police Civil Service Board – Penn Room – noon

Glenside Community Council – Jamestown Conference Room – 6:30 pm

District 3 Crime Watch – Calvary Baptist Church – 7 pm

**Monday, June 8**

Fire Civil Service Board – Penn Room – 4 pm

6<sup>th</sup> & Amity Neighborhood & Playground Assn – 6<sup>th</sup> & Amity Fieldhouse – 6:30 pm

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## **CITY COUNCIL MEETING MONDAY, MAY 11, 2009**

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Council President Vaughn D, Spencer.

All present pledged to the flag.

### **ATTENDANCE**

Council President Vaughn Spencer  
Councilor Steve Fuhs, District 1  
Councilor Goodman-Hinnershitz, District 2  
Councilor Sterner, District 3  
Councilor Marmarou, District 4  
Councilor Maria Baez, District 5  
Mayor, Thomas McMahon  
Managing Director, R. Hottenstein  
City Solicitor, C. Younger  
City Clerk, L. Kelleher  
City Auditor, D. Cituk  
Sgt. at Arms, Captain R. Schafer  
Historic Resolution Specialist, A. Johnson  
Mayor Assistant, C. Heminitz

### **PROCLAMATIONS AND PRESENTATIONS**

#### **Council Commendations**

- Recognizing National Historic Preservation Month, accepted by Amy Johnson, Historic Preservation Officer
- Preservation Commendations presented by Amy Johnson, Historic Preservation Officer and Peter Sutliff, HARB Chair
- Recognizing Salvation Army Month, accepted by Majors Laurence and Lynne Wittenberg
- Recognizing National Police Week and Reading Police Memorial Day, accepted by Police Chief William Heim and members of the Fraternal Order of Police
- Recognizing United Corrstack, accepted by David Stauffer, Vice President and General Manager
- Recognizing the achievements of Reading High School athletes

### **PUBLIC COMMENT**



Council President Spencer announced that five (5) citizens were registered to address Council on non-agenda issues. He inquired if Council objected to suspending the rule requiring comment on non-agenda matters at the conclusion of the meeting. No one objected, therefore, the rule requiring non-agenda comment at the conclusion of the meeting was suspended. Council President Spencer reminded the citizen registered to speak about the remaining public speaking rules.

**George Cook, of Lancaster, PA,** was not present.

**Ruth Martelli, of Palm St.,** announced the desire of the College Heights Community in northeast Reading, around Albright College, to be designated as a historic district called "The Heights". She stated that the kick off meeting with Michel LeFever, from the PA Historic Museum Commission, will be held on Tuesday, June 2 at 7 pm at 13<sup>th</sup> and Union Elementary School, in the cafeteria. She also noted the continuation of the Cherry Blossom Festival in collaboration with Earth Day. She asked City Council and Reading citizens to support the Visitor's Bureau and Arts Council whose funding is threatened at state and federal levels.

**Nick Urffer,** was not present.

**Joe Webb, representing City of Reading Board of Health,** described the Board of Health's ongoing concern with the lack of remediation at Bernhart's Park. He noted the dangers of lead contamination at Bernhart's Park. He noted the dangers of the lead contamination and the dangers associated with draining the lake to allow the inspection of the dam breast. He announced that the Board of Health adopted a resolution at their March meeting, which addresses their concerns with the lead contamination at Bernhart's Park and the dangers associated with the plan to drain the lake. He also noted the Board of Health's intent to issue a statement on the recent reports prepared by the PA Department of Health and the ATSDR which discusses the lead contamination of the Park and the suggested remediation plan.

**Mary Ann Ciarlone, of North 5<sup>th</sup> Street,** suggested that City Council be wary of the amendment to the Human Rights Anti-Discrimination ordinance, which expands the enforcement authority of the Human Relations Commission. She inquired why the Commission disbanded several years ago is being reformed. She also invited City Council to attend an open house at a property she was selling in Centre Park. She also requested a copy of the draft Maximus Report.

### **APPROVAL OF AGENDA & MINUTES**

Council President Spencer called Council's attention to the minutes from the May 11<sup>th</sup> Regular Meeting, and the agenda for this meeting along with the consent agenda legislation.

**Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to approve the minutes from the May 11<sup>th</sup> regular meeting and to adopt the agenda,**

along with the legislation listed under the agenda heading. The motion was approved unanimously.

### **Consent Agenda Legislation**

**Award of Contract** - for the collection of delinquent recycling/trash bills for the Solid Waste Division, Department of Public Works to Portnoff Law Associates, Ltd., 1000 Sandy Hill Road, Norristown, PA 19401 (**Purchasing**)

**Resolution 55-2009** – authorizing the amendment of the FFY2008 one year Action Plan and the FFY2004 to FFY2008 five year Consolidated Plan to program \$1,267,021 in Homeless Prevention and Rapid Re-Housing Program funding. (**Community Development**)

### **ADMINISTRATIVE REPORT**

Mayor McMahon read the report distributed to Council at the meeting covering the following:

- Armed Forces Day parade, Saturday, May 16, 2009, beginning at Park Road in Wyomissing and concluding in 8<sup>th</sup> and Penn Streets in Reading.
- Summer Youth Work Program for citizens ages 16-24.
- City-wide community meeting,, Tuesday June 2<sup>nd</sup> at 7 pm , at the Historical Society.
- Confirming the Budget Summit scheduled for Saturday, June 20<sup>th</sup> and issuance of the financial comprehensive plan.

Councilor Marmarou inquired how many jobs will be available in the Summer Job Work Program. Mayor McMahon stated that he is unsure.

### **AUDITOR'S REPORT**

City Auditor Dave Cituk read the report distributed to Council at the meeting covering the following topics:

- Summary of the first Blue Ribbon Panel meeting held on April 29<sup>th</sup> in the Penn Room.
- A comparison of the state liquid fuels revenue and summary of cable franchise fees

### **ORDINANCES FOR FINAL PASSAGE**

Councilor President Spencer announced that there are no ordinances eligible for final passage at this meeting.

### **INTRODUCTION OF NEW ORDINANCES**

**Ordinance** – amending Section 6 Prohibited Behaviors of the Code of Ethics by adding a provision regarding Fraudulent Behavior and amending the provisions regarding Use of City Property and Personnel and Political Activities (**Board of Ethics**)

**Ordinance** - approving collection procedures and adopting penalty, interest and schedule of attorney fees to be added to the amount collected as part of municipal claims for delinquent accounts for solid waste accounts (**Law**)

## **RESOLUTIONS**

**Resolution 56-2009** - authorizing the filing of a proposal for designation as a PA Main Street Community with the Department of Community and Economic Development of the Commonwealth of Pennsylvania (**Community Development**)

**Councilor Fuhs moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution 56-2009.**

The motion to approve Resolution 56-2009 was adopted by the following vote:

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Spencer,  
President - 6.  
Nay: None - 0.**

## **COUNCIL COMMENT**

Councilor Fuhs asked Ms. Ciarlone to supply a copy of the legislation she referred to earlier in the meeting.

Councilor Fuhs also asked everyone to remember that the state deficit grew under Democratic leadership. He noted the Republican's parties failed attempts to cut spending and reduce cutbacks.

Councilor Fuhs thanked Corrstacks for their investment in the City of Reading and their strong community spirit.

Councilor Fuhs also thanked the Public Works employees who worked to rescue the ducklings on Mother's Day.

Councilor Goodman-Hinnershitz noted the beauty of the city's architecture and the pride of those residing in historic districts. She noted that visitors to Reading are always impressed by the quality and beauty of the City's architecture.

Councilor Goodman-Hinnershitz announced the dedication of mural organized by Southeast People's Voice this Sunday.

Councilor Goodman-Hinnershitz noted that the passion and dedication of the Public Works employees who rescued the ducklings.

Councilor Goodman-Hinnershitz expressed the belief that the City needs to stick to its guns and demand the proper remediation of the lead contamination in Bernhart's Park. She expressed the belief that Exide Corporation needs to be held accountable.

Councilor Marmarou announced the upcoming College Heights Community council meeting on Sunday, May 17<sup>th</sup> at 7 pm.

Councilor Baez congratulated those receiving commendations at tonight's meeting. She also thanked Pastor Knotts at the Wesley Methodist Church located at North Front and Windsor Streets, along with Chief Heim and Solid Wasted manager, Frank Denbowski, for working with her to organize the neighborhood meeting in this area. She noted her desire to continue meeting with this neighborhood on a bi-monthly basis.

Councilor Sterner congratulated those receiving commendations this evening. He thanked Joe Webb and the Board of Health for their supportive position on the Bernhart's Park.

Councilor Sterner reminded everyone that a clean-up at the Orange and Cherry Street lot is scheduled for this Saturday at 1 pm. He expressed his belief in the work of the Arts Council and the Visitor's Bureau to promote tourism and culture in the city.

Council President Spencer stated, in regards to the statement made by Mary Ann Ciarlone during public comment, that the City's Human Relations Commission was not disbanded. He stated that the County Human Relations Council was disbanded by the County Commissioners around 2004.

Council President Spencer reviewed the meeting schedule.

**Councilor Fuhs moved, seconded by Councilor Marmarou, to adjourn the regular meeting of Council.**

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Linda Kelleher CMC, City Clerk



CITY OF READING,  
PENNSYLVANIA

MEMORANDUM

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**TO:** Linda Kelleher, City Clerk  
**FROM:** Marty Mayes, Director  
**DATE:** May 14, 2009  
**SUBJECT:** Passage of a resolution authorizing the Mayor to execute a 2008 Action Plan amendment.

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CD is asking City Council to approve the amendment at the **Tuesday, May 26, 2009** City Council meeting.

**BACKGROUND:** \$828,217 in CDBG-R funding has been made available through the American Recovery and Reinvestment Act of 2009.

**BUDGETARY IMPACT:** None.

**PREVIOUS ACTION:** None.

**SUBSEQUENT ACTION:** None.

**RECOMMENDED BY:** Community Development Director, Managing Director, and Mayor.

**RECOMMENDED MOTION:** The FFY2008 one year Action and FFY2004 to FFY2008 five year Consolidated Plans are amended to program \$828,217 in CDBG-R funding.

Cc: N. Nemeth  
D. Wright  
B. Skimski



RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE COUNCIL OF THE CITY OF READING AUTHORIZING THE MAYOR TO EXECUTE A FFY2008 ONE YEAR ACTION PLAN AND FFY2004 TO FFY2008 FIVE YEAR CONSOLIDATED PLAN AMENDMENT**

WHEREAS, under 24 CFR Part 91, the U.S. Department of Housing and Urban Development (HUD) outlines the consolidated submissions for community planning and development programs which will serve as: (1) a planning document for the City that builds on a participatory process at the grass roots level, (2) an application for federal funds under HUD's formula grant program, (3) a strategy to be followed in carrying out HUD programs, and (4) an Action Plan that provides a basis for assessing performance;

WHEREAS, the FFY2004 to FFY2008 five year Consolidated Plan (30<sup>th</sup> to 34<sup>th</sup> CD years January 1, 2004 to December 31, 2008) and the FFY2008 one year Action Plan (34<sup>th</sup> CD year January 1, 2008 to December 31, 2008) have been prepared meeting HUD's requirements and providing guidance for addressing the housing and community development needs of the City;

WHEREAS, \$828,217 in CDBG-R funding has been made available through the American Recovery and Reinvestment Act of 2009.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF READING THAT:

The FFY2008 one year Action and FFY2004 to FFY2008 five year Consolidated Plans are amended to program CDBG-R funding for the following activities:

\$82,821 for general CDBG-R administration.

\$350,000 for the installation of new street lights on Penn Street. The activity's eligibility / fundability is low mod area 24CFR570.208(a)(1) / public facilities and improvements 24CFR570.201(c). The 800 block of Penn St. service area contains 87.7% low mod persons. The 900 block of Penn St. service area contains 84.6% low mod persons. The 1000 block of Penn St. service area contains 78.9% low mod persons.

\$194,796 for the 500 block of Franklin St. Public Right of Way Improvements. The improvements include (but are not limited to) new curbing, sidewalk, and handicap ramps. The activity's eligibility / fundability is low mod area 24CFR570.208(a)(1) / public facilities and improvements 24CFR570.201(c). The service area contains 94.9% low mod income level persons.

\$125,000 for the City of Reading's Blighted Property Review Committee's deteriorated building acquisition. The activity's eligibility / fundability is slum and blight area 24CFR570.208(b)(1) / acquisition 24CFR570.201(a). The activity will be limited to the Neighborhood Opportunity Area census tract (block groups) 1, 2, 3, 4 (1&3), 5 (1&2), 7 (2&3), 8 (1&2), 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26 (2), 29 (2). Any demolitions that need to be done to dilapidated structures (citywide) will be done under the slum and blight spot basis category 24CFR570.208 (b)(2).

\$75,600 for street paving on the 300 and 400 blocks of Court Street activity. The activity's eligibility / fundability is low mod area 24CFR570.208(a)(1) / public facilities and improvements 24CFR570.201(c). The 300 block of Court St. service area contains 89.9% low mod persons. The 400 block of Court St. service area contains 84.6% low mod persons.

The Mayor, on behalf of the City of Reading, is authorized and directed to execute the amendment to the satisfaction of HUD.

**RESOLUTION NO. \_\_\_\_\_-2009**

WHEREAS, a contract was entered into by the City of Reading and Metropolitan Edison Company (hereinafter Met-Ed), whereby said Company shall furnish lighting; and

WHEREAS, it is necessary and proper that additional lighting should be installed and maintained for the service, accommodation, convenience and safety of the public;

NOW, THEREFORE, BE IT RESOLVED, that the City of Reading pursuant to the provisions and terms of the Company's applicable Rate Schedules and Riders, and the rules and regulations now on file hereafter filed from time to time and in effect with the Pennsylvania Public Utility Commission (hereinafter Tariff), do hereby order and direct Met-Ed to furnish additional lighting consisting of:

Upgrade Company-owned, mercury vapor, streetlight luminaires to high-pressure sodium vapor luminaires when the mercury vapor luminaries are deemed to be faulty (other than lamp and photo-control maintenance) by Met-Ed. As requested by the City of Reading, mercury vapor luminaires that fail will be upgraded to 250-watt high pressure sodium vapor luminaires.

This blanket resolution will apply to any upgrades that occur during the year 2009.

Payment to be made to Met-Ed for the additional lighting at the rates specified in the Tariff.

Adopted by Council \_\_\_\_\_, 2009

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

CITY of READING

RESOLUTION NO. \_\_\_\_\_

FOR ADDITIONAL STREET LIGHTS

WHEREAS, a contract was entered into by the City of Reading and Metropolitan Edison Company (hereinafter Met-Ed), whereby said Company shall furnish lighting; and

WHEREAS, it is necessary and proper that additional lighting should be installed and maintained for the service, accommodation, convenience and safety of the public;

NOW, THEREFORE, BE IT RESOLVED, that the City of Reading pursuant to the provisions and terms of the Company's applicable Rate Schedules and Riders, and the rules and regulations now on file and such rules and regulations, Rate Schedules and Riders hereafter filed from time to time and in effect with the Pennsylvania Public Utility Commission (hereinafter Tariff), do hereby order and direct Met-Ed to furnish additional lighting consisting of:

**Provide energy and total maintenance to four (4) Company owned, 250-watt, high-pressure sodium vapor, cobrahead street lights. One light will be installed on existing wood pole 51229-39130 at the intersection of 13<sup>th</sup> and Rockland Streets. Three lights will be located on newly installed wood poles along 13<sup>th</sup> Street, within the City.**

Payment to be made to Metropolitan Edison Company for the additional lighting at the rates specified in the Tariff.

Resolution adopted the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk



I, \_\_\_\_\_, City Clerk of the City of Reading, do hereby certify that the above and foregoing is a true and correct copy of a resolution adopted by the City at a meeting of said City duly called and held on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Witness my hand and the seal of said City this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_

City Clerk

## RESOLUTION NO. \_\_\_\_\_

WHEREAS, the Pennsylvania Capital Facilities Debt Enabling Act authorizes funding for eligible economic development capital projects through the Redevelopment Assistance Capital Program ("RACP"); and

WHEREAS, the City of Reading has identified the "Living the Legacy Capital Campaign" for the YMCA of Reading and Berks County as eligible for such "RACP" assistance; and

WHEREAS, the "Living the Legacy Capital Campaign" will provide employment opportunities, promote economic development in the City of Reading and have a regional, multi-jurisdictional impact therein.

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

That the Mayor of the City of Reading is authorized to file an application for "RACP" funds in the amount of five hundred thousand dollars (\$500,000.00) for the YMCA of Reading and Berks County "Living the Legacy Capital Campaign" and to execute any and all necessary documents and to carry out all procedures as required by the Commonwealth of Pennsylvania.

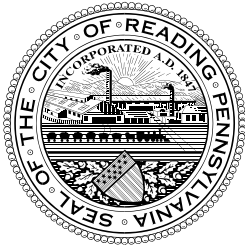
Adopted by Council \_\_\_\_\_, 2009

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

(Law)



# AGENDA MEMO

THOMAS M. MCMAHON, MAYOR  
RYAN P. HOTTENSTEIN, MANAGING DIRECTOR

**TO:** City Council  
**FROM:** Thomas M. McMahon, Mayor  
**PREPARED BY:** Deborah A.S. Hoag, P.E.  
**MEETING DATE:** May 26, 2009  
**AGENDA MEMO DATE:** May 22, 2009  
**REQUESTED ACTION:** Act on Resolution for Sewage Plan Revision for Reading Redevelopment Authority Penn Street Hotel and Garage

## RECOMMENDATION

The Administration recommends that Council approve this resolution for a sewage plan module as the proposed connection does comply with the allocations and other aspects of the provision of Chapter 94 of State Statutes.

## BACKGROUND

The Pennsylvania code requires municipalities to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters of the Commonwealth and/or environmental health hazards from sewage wastes. The code also provides for the revision of the plan whenever it is necessary to determine whether a proposed method of sewage disposal for a new land development conforms to a comprehensive program of pollution control and water quality management.

Reading Redevelopment Authority is planning to construct a 217 room hotel and 776 space parking garage with retail space bounded by Penn Court, North 7<sup>th</sup>, and North 8<sup>th</sup> Streets. Using Pennsylvania Department of Environmental Protection standards, the projected flow of 31,000 gallons per day is equivalent to 78 EDUs.

The Administration has determined that the land development described in the attached Sewage Facilities Planning Module conforms to applicable sewage related zoning and other sewage related municipal ordinances and plans, and to a comprehensive program of pollution control and water quality management. Upon review and approval by the City, the planning module will be sent to the Pennsylvania Department of Environmental Protection for final review.

**BUDGETARY IMPACT**

The original planning module fee of \$500 was deposited in the sewer revenue account.

**PREVIOUS ACTION**

None

**SUBSEQUENT ACTION**

None

**RECOMMENDED BY**

Utilities Division Manager, Public Works Director, Managing Director, and Mayor.

**MOTION**

Approve/Deny the resolution on the City Sewage Facilities plan revision modification for construction of Reading Redevelopment Authority's Penn Street Hotel and Garage.

RESOLUTION NO. \_\_\_\_\_

RESOLUTION FOR SEWAGE MODULE REVIEW FOR NEW LAND DEVELOPMENT

RESOLUTION OF THE COUNCIL OF THE CITY OF READING, BERKS COUNTY,  
PENNSYLVANIA (hereinafter "the municipality").

WHEREAS, Section 5 of the Act of January 24, 1966, P.L.1535, known as the "Pennsylvania Sewage Facilities Act", as amended and the Rules and Regulations of the Pennsylvania Department of Environmental Resources adopted thereunder, Chapter 71 of Title 25 of the Pennsylvania code, requires the municipality to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters of the Commonwealth and/or environmental health hazards from sewage wastes, and to revise said plan whenever it is necessary to determine whether a proposed method of sewage disposal for a new land development conforms to a comprehensive program of pollution control and water quality management, and

WHEREAS, Reading Redevelopment Authority has proposed the development and construction of the Penn Street Hotel and Garage. This project is described in the attached Sewage Facilities Planning Module. It is proposed that this land development be served by sewer tap-ins.

WHEREAS, the City of Reading finds that the land development described in the attached Sewage Facilities Module conforms to applicable sewage related zoning and other sewage related municipal ordinances and plans, and to a comprehensive program of pollution control and water quality management.

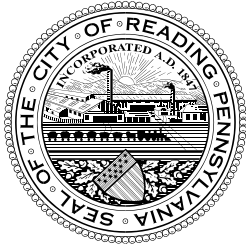
NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Reading hereby adopts and submits to the Department of Environmental Protection for its approval as a revision to the "Official Sewage Facilities Plan" of the municipality the above referenced Sewage Facilities Planning Module which is attached hereto.

PASSED COUNCIL \_\_\_\_\_ 2009

\_\_\_\_\_  
COUNCIL PRESIDENT

ATTEST:

\_\_\_\_\_  
CITY CLERK



# AGENDA MEMO

## FINANCE DEPARTMENT

**TO:** City Council  
**FROM:** Heather Dunkle, Purchasing Coordinator  
**PREPARED BY:** Heather Dunkle, Purchasing Coordinator  
**MEETING DATE:** May 26, 2009  
**AGENDA MEMO DATE:** May 19, 2009  
**RECOMMENDED ACTION:** Awarding of Contract for the collection of delinquent fees for the City of Reading.

### RECOMMENDATION

The recommendation is to award the contract to Linebarger Goggan Blair & Sampson, LLP, 4 Penn Center, 1600 John F. Kennedy Boulevard, Philadelphia, PA, 19103.

### BACKGROUND

Proposals for the collection of various delinquent fees for the City were received on February 27, 2009. The responses to the requests for proposals were evaluated independently by the members of the RFP selection review committee. The proposals were rated on the basis of charges to taxpayers, performance on past projects of similar size and scope, financial strength, staffing, additional costs to the City and responsiveness to the RFP requirements. Interviews were conducted with the top two firms. All evaluators of the proposals feel Linebarger Goggan Blair & Sampson is the best option for the City and recommend their appointment.

### BUDGETARY IMPACT

The fee imposed for collections, whether it be based on a simple letter or litigation, is twenty percent (20%) of monies collected, which will be the responsibility of the delinquent account.

### PREVIOUS ACTIONS

None.

### SUBSEQUENT ACTION

Formal action by Council is needed to award the contract at the May 26, 2009 meeting.

### RECOMMENDATION

The recommendation is that City Council approve the recommendation of the Administration to employ Linebarger Goggan Blair & Sampson, LLP for the collection of various delinquent fees for the City of Reading.

**RECOMMENDED BY**

Mayor, Managing Director, Director of Finance, Director of Public Works, and Purchasing Coordinator.

**RECOMMENDED MOTION**

To approve/deny Administration's recommendation that Linebarger Goggan Blair & Sampson, LLP be retained to collect delinquent fees on behalf of the City of Reading.

cc: File

March 13, 2009

To the Mayor  
City Hall  
Reading, PA

**RFP FOR THE COLLECTION OF DELINQUENT FEES FOR THE CITY OF  
READING, PENNSYLVANIA**

Proposals were received from the following firms:

Accounts Recovery Bureau, Inc.  
555 Van Reed Road  
Wyomissing, PA 19610

Creditech Collection Solutions  
50 North Seventh Street  
Bangor, PA 18013

FirstStates Financial Services  
200 Reading Avenue, Suite 201  
West Reading, PA 19611

Linebarger Goggan Blair & Sampson, LLP  
4 Penn Center  
1600 John F. Kennedy Boulevard, Suite 910  
Philadelphia, PA 19103

MSB Government Services  
6505 Airport Boulevard, Suite 100  
Austin, TX 78752

NRA Group, LLC  
d/b/a/ National Recovery Agency  
2491 Paxton Street  
Harrisburg, PA 17111

Penn Credit Corporation  
916 South Fourteen Street  
Harrisburg, PA 17104

Progressive Financial Services, Inc.  
1919 West Fairmont Drive, Suite 8  
Tempe, AZ 85282



Proposals were received from the following firms (continued):

Unifund Government Services, LLC  
10625 Techwoods Circle  
Cincinnati, OH 45242

HEATHER L. DUNKLE  
Purchasing Coordinator



**City of Reading  
Collection of Delinquent Fees  
Rankings**

Firm and Reviewer	Total Score	Scoring Rank	Reviewer Rank	Ranking Rank
<b>ARB</b>	<b>317</b>	<b>5</b>		<b>4.80</b>
Chris	70		5	
Heather	69		5	
Brad	47		6	
Chuck	55		3	
Cindy	76		5	
<b>CREDITECH</b>	<b>290</b>	<b>6</b>		<b>5.60</b>
Chris	70		5	
Heather	74		3	
Brad	42		7	
Chuck	40		6	
Cindy	64		7	
<b>FIRSTSTATES</b>	<b>251</b>	<b>7</b>		<b>6.40</b>
Chris	75		4	
Heather	67		6	

	Brad	31		8	
	Chuck	35		6	
	Cindy	43		8	
<b>Linebarger, Goggan Blair &amp; Sampson</b>		<b>431</b>	<b>1</b>		<b>1.20</b>
	Chris	95		1	
	Heather	78		2	
	Brad	77		1	
	Chuck	90		1	
	Cindy	91		1	
<b>MSB GOVN'T SVCS</b>		<b>337</b>	<b>5</b>		<b>4.40</b>
	Chris	65		6	
	Heather	74		3	
	Brad	67		5	
	Chuck	55		3	
	Cindy	76		5	
<b>NRA GROUP</b>		<b>340</b>	<b>4</b>		<b>3.20</b>
	Chris	75		4	
	Heather	83		1	
	Brad	47		4	
	Chuck	50		4	
	Cindy	85		3	
<b>PENN CREDIT</b>		<b>376</b>	<b>2</b>		<b>3.60</b>
	Chris	70		5	
	Heather	71		4	
	Brad	70		3	

	Chuck	85		2	
	Cindy	80		4	
<b>PROGRESSIVE FINANCIAL</b>		<b>386</b>	<b>3</b>		<b>2.40</b>
	Chris	80		3	
	Heather	82		2	
	Brad	81		2	
	Chuck	55		3	
	Cindy	88		2	
<b>UNIFUND</b>		<b>340</b>	<b>4</b>		<b>3.40</b>
	Chris	90		2	
	Heather	78		2	
	Brad	47		4	
	Chuck	45		5	
	Cindy	80		4	



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## SECTION 1. Declaration of Policy

The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government.

Each official or employee of the City must be constantly on guard against conflicts of interest. No official or employee should be involved in any activity which might be seen as conflicting with his/her responsibilities to the City. The people of Reading have a right to expect that their representatives act with independence and fairness towards all groups and not favor a few individuals or themselves.

The following principles, although not representing substantive rights, are fundamental driving forces for officials and employees of the City of Reading in everything they do<sup>1</sup>:

- A. **Public Office as a Public Trust.** Public servants should treat their office as a public trust, only using the powers and resources of public office to advance public interests, and not to attain personal benefits or pursue any other private interest incompatible with the public good.
- B. **Independent Objective Judgment.** Public servants should employ independent objective judgment in performing their duties, deciding all matters on the merits, free from avoidable conflicts of interest and both real and apparent improper influences.
- C. **Accountability.** Public servants should honor and respect the principles and spirit of representative democracy and set a positive example of good citizenship by scrupulously observing the letter and spirit of laws and rules.
- D. **Democratic Leadership.** Public servants should honor and respect the principles and spirit of representative democracy and set a positive example of good citizenship by scrupulously observing the letter and spirit of laws and rules.
- E. **Respectability and Fitness for Public Office.** Public servants should safeguard public confidence in the integrity of government by being honest, fair, caring and respectful and by avoiding conduct creating the appearance of impropriety or which is otherwise unbecoming a public

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<sup>1</sup>Josephson Institute for the Advancement of Ethics, *Preserving the Public Trust*, 1990.

official. In recognition of these aforementioned goals and principles, there is hereby established a Code of Ethics to be administered by the Board of Ethics. The purpose of this Code is to establish ethical standards of conduct for all officials and employees of the City of Reading, its agencies and authorities, whether elected or appointed, paid or unpaid, by providing guidelines to clarify actions or inactions which are incompatible with the best interests of the City and by directing disclosure of private, financial or other interests in matters affecting the City. The provisions and purpose of this Code and such rules, regulations, opinions and disciplinary decisions as may be promulgated by the Board pursuant hereto, and under provisions of Article XII of the Charter, are hereby declared to be in the best interest of the City.

## **SECTION 2. Board of Ethics**

Reference is made to Section 1201(c) of the Charter of the City of Reading.

### **A. Composition and Structure of Board.**

1. **Composition.** The Board established under Section 1201 of the City of Reading Home Rule Charter shall be composed of five (5) residents of the City of Reading.
2. **Terms of Service.** Members of the Board shall serve for terms of three (3) years, except that members shall continue to serve until their successors are appointed and qualified. The terms of the initial members shall be staggered, with one member serving a term of one year, two members serving for two years, and two members serving for three years.
3. **Vacancy.** An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed for the unexpired term of the member he/she succeeds and is eligible for appointment thereafter according to the terms herein.
4. **Election of Chairperson and Vice Chairperson.** The Board shall elect a chairperson and a vice chairperson annually at a meeting held in July of each year. The vice chairperson shall act as chairperson in the absence of the chairperson or in the event of a vacancy in that position.
5. **Quorum.** A majority of the members of the Board shall constitute a quorum and, except as provided in Sections 9.C. and 9.D., the votes of a majority of the members present are required for any action or recommendation of the Board.

6. **Staff.** The Board shall appoint a solicitor, a secretary and such other staff as may be deemed necessary. The solicitor, secretary and such other staff as may be necessarily appointed need not be members of the Board.
7. **Meetings.** The Board shall meet at the call of the Chairperson or at the call of a majority of its members.
8. **Investigative Officer.** The Board shall appoint an investigating officer as set forth herein. The Board shall, from time to time, determine an amount to be paid as reasonable compensation to the investigating officer as payment for such services. The investigative officer shall be a member in good standing of the Berks County Bar and shall have so been for at least five (5) years. The investigative officer need not be a resident of the City of Reading and shall not be a Board member. The investigating officer is authorized to retain the services of investigators and may only delegate non-discretionary functions.

B. **Powers and duties:** The powers and the duties of the Board of Ethics may be summarized as follows:

1. Give advice as to the application of the ethics provisions of the Charter of the City of Reading and this Code of Ethics.
2. Receive and dispose of complaints of violations of the ethics provisions of the Charter and Code of Ethics, and exercise discretion in declining to pursue an investigation if such a course would be in the best interest of the citizens of the City of Reading or where the activity complained of amounts to no more than a de minimis violation.
3. Appoint an investigating officer to conduct investigations and to findings reports where appropriate.
4. Hold hearings, issue subpoenas and compel the attendance of witnesses, administer oaths, take testimony, require evidence on any matter under investigation before the Board, and issue orders, including but not limited to those related to adjudications and penalties.
5. Conduct educational programs to promote the ethical conduct of public officials, City employees, and individuals and groups doing business with the City.

6. Adopt rules and regulations to administer, implement, enforce and interpret the Code of Ethics.
  7. Annually review the statements of financial interest filed pursuant to Section 4 of the Code.
- C. **Prohibitions.** Due to their special position, Board members have a higher duty than other public officials to avoid conflicts of interest. Respect for the Code can be maintained only if members are models of ethical behavior. The prohibitions in this section are in addition to the duties, responsibilities or obligations imposed upon the Board members as public officials under other provisions of the Code.
1. No member may hold or campaign for any other public office.
  2. No member may hold office in any political party or political organization or political committee.
  3. No member may hold a position of employment or appointment with any municipal government or any board or commission formed by the City of Reading.
  4. No member may actively participate in or contribute to any political campaign in the City of Reading for a candidate running for or from the office of the Mayor, President of Council, Council Member, or Auditor. This does not abridge the right of a member to vote or attend a debate, speech or similar event that is held primarily for the purpose of communicating a candidate's platform or position on issues of public concern.
  5. No member shall receive compensation but shall be reimbursed by the City for documented expenses actually incurred.
- D. **Preservation.** Complaints and proceedings pending before the Board at the time this Code is adopted shall be preserved insofar as they are consistent with recent orders of the Court of Common Pleas of Berks County. The Board shall take any and all steps necessary to adjudicate all pending complaints so as to comply with said orders, including the establishment of a committee of Board members not previously involved in the disposition of said complaints to adjudicate and dispose of the same. Said committee shall consist of at least three (3) Board members and shall act with the authority of the Board in adjudicating said complaints and instituting penalties and restitution where applicable.

### SECTION 3. Definitions

For the purposes of this Code, the following terms shall have the following definitions. All other words and phrases shall have their normal meaning unless further defined herein.

- A. **Appearance of Impropriety.** The perception that wrong-doing or misconduct may have occurred. When a reasonable person could reasonably believe that improper actions have taken or are taking place.
- B. **Board.** The Board of Ethics of the City of Reading.
- C. **Candidate.** Any individual who seeks nomination or election to public office normally decided by vote of the electorate, whether such individual is elected by the electorate or is appointed.
- D. **Charter.** City of Reading Home Rule Charter.
- E. **Code.** City of Reading Code of Ethics.
- F. **Conflict of Interest.** Situation(s) or potential situation(s) in which a public official or employee uses or may use his/her office or employment for the private gain of himself/herself, a member of his/her immediate family or a business of any type with which he/she or a member of his/her immediate family has a material interest.
- G. **Elected Official.** An official elected or appointed to fill a position normally filled by election.
- H. **Employee.** Any individual receiving salary or wages from the City of Reading.
- I. **Immediate Family.** A parent, spouse, living partner, child, brother or sister, natural or adopted.
- J. **Material Interest.** Direct or indirect ownership of more than five percent (5%) of the total assets or capital stock of any business entity.
- K. **Officer.** Investigating Officer appointed by the Board to oversee the investigative procedures on behalf of the Board. The investigating officer need not be a Board member and may be compensated as any other member of the staff.
- L. **Official.** Any elected or appointed paid or unpaid member of the government of the City of Reading.

- M. **Political Activity.** Any activity which promotes the candidacy of any individual seeking elective office, or the advocacy of any political party or position, including but not limited to the circulation of election petitions and the sale or distribution of fund raising items or tickets.
- N. **Private Gain.** Of personal benefit, whether economic, social, or otherwise.
- O. **Violation.** A violation is any activity that is restricted by the ethics provisions of the Charter and/or the Code.

#### **SECTION 4. Statement of Financial Interests**

Any official or employee of the City or authorities or boards with decision-making authority shall file with the City Clerk a Statement of Financial Interests for the preceding calendar year by May 1 of each year, as defined by the State Code of Ethics. Any individual appointed to such a position after May 1 has fifteen working days to file the Statement of Financial Interest. All statements must be made available for public inspection and copying at an amount not to exceed actual costs.

#### **SECTION 5. Disclosure of Confidential Information**

City employees and officials often have access to important non-public information regarding the property, operations, policies or affairs of the City. Such information may concern, among other things, employees and officials, real estate transactions, expansion of public facilities, or other City projects. Using or furnishing information that would place employees or recipients in an advantageous position over the general public constitutes a violation of public trust. Anyone who is privy to confidential information may not disclose that information to any private citizen and should disclose it to other public employees only if appropriate and in the normal course of their duties as employees or officials of the City of Reading.

Should an official or employee find himself/herself in any direct or indirect financial interest with any person or other entity proposing to contract with the City that individual must fully disclose said interest and refrain from voting upon or otherwise participating in the transaction or the making of such decision, contract or sale. Violation of this section shall render the contract voidable by the decision-making body or upon review and authority of the Board of Ethics.

## **SECTION 6. Prohibited Behaviors**

### **A. Conflicts of Interest**

1. Employees and officials of the City may not bid on or have a material interest in:
  - a. the furnishing of any materials, supplies or services to be used in the work of the City;
  - b. contracts for the construction of any City facility;
  - c. the sale of any property to the City or the purchase of any property from the city unless said property is offered to the general public at auction or by competitive bid.
2. Employees and officials of the City may not:
  - a. use or attempt to use their official position to secure special privileges or exemptions for themselves or others;
  - b. accept employment or engage in any business or professional activity which might reasonably be expected to require or induce the disclosure of confidential information acquired by the public officer or employee by reason of their official position;
  - c. disclose to others, or use for personal benefit, any confidential information gained by reason of an official position;
  - d. accept other employment which might impair the independence or judgment of the public officer or employee in the performance of public duty;
  - e. receive any compensation for official services to the City from any source other than the City;
  - f. transact any business in an official capacity with any other business entity of which the public officer or employee is an officer, director, agent, member, or owns a material interest;
  - g. have personal investments in any enterprise which will create a substantial conflict between any private interest and the public interest.

3. Outside Employment. City officials or employees may accept, have, or hold any employment or contractual relationship with any individual, partnership, association, corporation (profit or non-profit), utility or other organization, whether public or private, but only if the employment or contractual relationship does not constitute a conflict of interest or impair their efficiency.
4. Officials and employees shall not engage in conduct prohibited under Section 1201(a) of the Charter.

**B. Solicitation/Acceptance of Gifts; Rebuttable Presumption**

No official or employee shall accept gifts and other things of value in return for a favorable decision or vote (City Charter, Section 1201 (a)). In all but de minimis cases, gifts received must be publicly recorded and submitted to the City Clerk specifying the date received, the name and address of the donor, and the value of the gift. Under no circumstance shall officials or employees solicit gifts of any kind. A gift having a value in excess of twenty-five dollars (\$25.00) may not be considered de minimis.

The term gift for the purposes of this Code means any gratuity, benefit, or any other thing of value which is accepted by, paid for, or given to a City employee, elected or appointed officials or by another on their behalf either directly or indirectly without consideration of equal or greater value. The term gift may include, by way of illustration and without limitation to, the following:

1. Preferential rate or terms on a debt, loan, goods, or services which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin;



2. Transportation, lodging, or parking;
3. Food or beverage, other than that consumed at a single sitting or event; and
4. Membership dues.

City employees or officials shall not solicit or accept gifts, either directly or indirectly, from any person or entity doing business with or under regulation by the City or from the agent or lobbyist of such person or entity except on behalf of the City. The solicitation or acceptance of gifts shall create a rebuttable presumption that the employee knew or should have known that such solicitation or acceptance was based on an understanding that his/her official actions or judgments would thereby be influenced.

**C. Nepotism**

Hiring a relative is a special type of a conflict of interest that should be avoided. No public official or employee shall appoint, hire, advance or advocate the appointing, hiring or advancing of a member of his/her immediate family or household member to a city position, as provided in the City of Reading Personnel Code.

**D. Whistle Blowing**

Employees are expected to expose a violation of the Code of Ethics by any employee or business entity with which the City is doing business if such a violation creates a serious and specific danger to the public's health, safety or welfare.

Employees are expected to expose improper use of public office or any other abuse or neglect on the part of a city employee or public official. An employee with knowledge of actions or activities of ethical concern shall report them to the Board of Ethics. The identity of the employee will be confidential information of the Board of Ethics until a full investigation is initiated.

Retaliation against an employee who reports any violation, abuse or other improper action is strictly prohibited. Any such action will be a violation of the Code of Ethics and subject to the disciplinary and corrective action as ordered by the Board of Ethics.

**E. Fraudulent or Other Activity.** City employees or officials are expected to act ethically in the performance of all duties and responsibilities and avoid any involvement with, or any appearance of, behavior constituting fraud,

misappropriation or other inappropriate conduct while carrying out the duties and obligations of their employment or office.

City employees or officials may not willfully or deliberately act, attempt to act, conspire to act, or solicit with the intent to act, carry out, or participate in any of the following activities:

- a. Embezzlement of money or resources for private purposes or use, from any City official, City employee, City department, City contractor or subcontractor, or third party agent doing business with the City government;
  - b. Misappropriation of City funds, supplies, assets or resources;
  - c. Falsification of any City record, including personnel records;
  - d. Forgery or alteration of any check, bank draft, bank account, or other financial document;
  - e. Forgery or alteration of timecard data and/or information;
  - f. Receipt of a bribe or kickback, or willing participation in a scheme of bribery;
  - g. Impropriety in the handling or reporting of money or financial transactions;
  - h. Using insider knowledge of City activities to earn or generate any gift, profit or pecuniary benefit;
  - i. Accepting, requesting, or seeking any material item or pecuniary benefit from contractors, vendors or parties providing services or materials to the City;
  - k. Unauthorized destruction, removal or inappropriate use of City property, including data records, furniture, fixtures and equipment;
  - l. Making false or intentionally misleading written or oral statements or representations in carrying out any official or employment duty or obligation; or
  - m. Participation in any willful or deliberate act carried out with the intention of obtaining an unearned or unauthorized benefit by way of deception or other unethical means.
- City employees or officials are to be familiar with the types of fraud and the potential activities and circumstances that may give rise to a fraudulent activity within his or her department, bureau, and area of responsibility.

City employees or officials are charged with the duty to be alert for any indication of fraudulent activity and all City employees or officials have a duty to report immediately any suspected fraudulent activity to the City Board of Ethics.

#### **E. F. Use of City Property and Personnel**

~~No personnel, equipment, supplies, facilities, vehicles, or any other property of the City may be used by employees or officials for private use. It is improper and may be unlawful for supervisors to use subordinates for their personal benefit. Reference is made to the City of Reading Personnel Code.~~

City employees or officials may not use any personnel, equipment, supplies, facilities, vehicles, or any other property owned and belonging to the City for their private purposes, use, enjoyment, or benefit. City employees or officials who hold a supervisory position may not use the time, effort and resources of any subordinate City employees or official for their private purposes, use, enjoyment, or benefit. The provisions of this Section 6(F) are to be read together and with any related provision of the City of Reading Personnel Code.

## **F. G. Political Activities**

~~Reference is hereby made to Sections 605(a) and 707 of the Charter and to Section 1.08 of the City of Reading Personnel Code. Said provisions are incorporated herein by reference and made a part hereof. The Board shall have jurisdiction over any matter where the executive branch of the government or City Council of the City of Reading has failed to take appropriate action in enforcing these provisions.~~

Section 605A and 707 of the City Charter and Section 1.08 of the City of Reading Personnel Code are incorporated herein by reference and made a part hereof. City employees or officials are to adhere to the sections restricting involvement in political activities as set forth in Sections 605A and 707 of the City Charter and Section 1.08 of the City of Reading Personnel Code. In the event that the City or City Council has failed to take appropriate action in enforcing the aforementioned provisions, then the Board of Ethics shall have jurisdiction to adjudicate any violation thereof.

## **SECTION 7. Penalties; Restitution**

### **A. Penalties.**

Upon any violation of the city provisions, including the undertaking of wrongful acts as described above or in the City of Reading Home Rule Charter, any of the following penalties shall be available to the Ethics Board for imposition:

1. *Admonition.* In compliance with existing personnel practices, collective bargaining agreements and/or statutes, a letter to the respondent, the Mayor, the Managing Director, the Director of the Department in which the respondent is employed, if any, and the complainant, if any, indicating that the respondent has been found to have violated the City provisions;

2. *Public Censure.* In compliance with existing personnel practices, collective bargaining agreements and/or statutes, notification to the respondent, the Mayor, the Managing Director, the Director of the Department in which the respondent is employed, if any, and the complainant, if any, and the news media indicating that a violation of the City provisions took place and that the board strongly disapproves of the actions of the public official or public employee;
3. *Recommendation to the Managing Director of Suspension,* without compensation for a stated period of time not to exceed thirty (30) days, in compliance with existing personnel practices, collective bargaining agreements and/or statutes, with notification to the respondent, the Mayor, the Managing Director, the Director of the Department in which the respondent is employed, if any, and the complainant. If any such suspension is not imposed by the City, a written explanation of such decision shall be provided within five (5) days to the Board;
4. *Recommendation to the Managing Director of Termination* in compliance with existing personnel practices, collective bargaining agreements and/or statutes, with notification going to the respondent, the Managing Director, the Mayor, the Director of the Department in which is respondent is employed, if any, and the complainant, if any. If any such termination is not imposed by the City, a written explanation of such decision shall be provided within five (5) days to the Board;
5. *Referral* to the appropriate authorities for criminal prosecution in cases where a violation of this ordinance is also a violation of federal or state law;
6. *Ineligibility* for holding any office or position within the City for a period of up to five years, as set forth in Section 1202 (b) of the Charter of the City of Reading;
7. *Impose a fine,* not to exceed one thousand dollars (\$1,000.00) per violation;
8. *Imposition of an administrative fine* of not more than one thousand dollars (\$1,000.00) to defray the actual cost and expense of investigating any violation; and
9. Any person who realizes financial gain by way of a violation of any provisions of this ordinance, in addition to any other penalty provided by law or this ordinance, shall pay into the Treasury of the City, a sum of money up to the financial gain resulting from the violation. The Board shall determine the amount of financial gain realized; and

10. Any public official, public employee, person, corporation, company or other entity found to have participated in or benefited from a violation of this ordinance, may be barred from participating in business dealings with the City for a period of time not to exceed five (5) years, said period of time to be determined by the Board, in addition to being subject to any other penalty (prescribed by this ordinance) deemed appropriate by the Board.

**B. Restitution; Other penalties and remedies.**

After finding that an individual has violated any provision of the Charter or this Code within the jurisdiction of the Board as provided for in this Code, the Board may take one or more of the following actions, if appropriate, in addition to penalties described in Section 7(a):

1. Order the subject to make restitution to those incurring damage or injury as a direct result of the actions of the subject that have been adjudicated as a violation of the Code or Charter;
2. Order the subject to cease and desist from engaging in a particular activity that is in violation of the Code, Charter, or any order issued by the Board;
3. Order the subject to take specified action to bring him/her into compliance with Board directives;
4. Refer the matter for review or with specific recommendation for action to law enforcement, regulatory or other authorities with jurisdiction of the matters;
5. Institute appropriate civil or equitable action to enforce the order and decision of the Board; and
6. Recommend to City Council the forfeiture of the office or position held by the subject with the City and recommend that the subject be ineligible to hold any City office or position for a period of up to five (5) years following such decision.

**SECTION 8. Advisory Opinions**

Upon the written request of any public official or city employee, or without such request should a majority of the Board deem it in the public interest, the Board may render advisory opinions concerning matters of governmental ethics, shall consider questions as to ethical conduct, conflicts of interest and the application of ethical standards set forth in this ordinance, and shall issue an advisory opinion in writing as to any such question. The Board may in its discretion publish its advisory opinions with any

redactions necessary to prevent disclosure of the identity of the person who is the subject of the opinion.

An advisory opinion may be used as a defense in any subsequent investigation or prosecution, provided that the official or employee who sought the opinion did so in good faith and only to the extent material facts were not misrepresented in the request for the opinion.

## **SECTION 9. Complaint and Investigation Procedure**

### **A. Who May File**

Any person may file a complaint about alleged ethics violations of the Reading Code of Ethics or the City Charter. In addition, the Board may initiate proceedings. A person signing a complaint shall:

1. Reasonably believe in the existence of facts upon which the claim is based; and
2. Reasonably believe that the complaint may be valid under the ethics provisions of the Code of Ethics and the City Charter.

### **B. How to File**

Complaints must be submitted on forms provided by the Board. The Board shall make available this form upon request. The complaint shall state the name, job or office held by the alleged violator and a description of the facts that are alleged to constitute a violation. It must contain a notarized signature subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities. The Board shall establish a separate P.O. Box through which to receive complaints. This P.O. Box shall be generally accessible by the investigative officer and/or the secretary, provided that the secretary is not a Board member.

### **C. Jurisdiction; Preliminary Investigation**

1. Each complaint filed with the Board shall be immediately directed to and preliminarily reviewed by an investigating officer appointed by the Board (the "Officer") to determine whether the complaint falls within the jurisdiction of the Board. The aforesaid determinations shall be made within 30 days of the filing of the complaint. If the Officer determines that the Board does not have jurisdiction over the matter underlying the complaint, the complainant will be notified and no further action will be taken with regard to the complaint. If, however, the Officer determines that the complaint falls within the jurisdiction of the Board, the Officer shall authorize a preliminary investigation.

2. The preliminary investigation shall be initiated and accomplished at the sole direction of the Officer. If the Officer, in his/her sole discretion, finds that the violation(s), as alleged in the complaint, would, if proved, constitute a de minimis infraction, he/she may decline to initiate a preliminary investigation and dismiss the complaint, if to do so would be in the best interest of the citizens of the City of Reading.
3. At the onset of the preliminary investigation, the Officer shall notify both the complainant and the subject of the investigation of the filing of the complaint, the nature of the same, and the initiation of a preliminary investigation.
4. The preliminary investigation shall be completed within 60 days of the Officer's finding of jurisdiction.
5. If at any time during the preliminary investigation, an extension is necessary and justified, the Officer shall have additional time in 30-day segments. The Officer shall timely notify both the complainant and the subject of the investigation of each such extension.
6. At the conclusion of the preliminary investigation, the Officer shall determine whether there may exist facts to support the complaint. If the inquiry fails to establish such facts, the Officer shall dismiss the complaint and notify both the complainant and the subject of the complaint of the dismissal of the complaint. If, however, at the conclusion of the preliminary investigation the Officer determines that there may exist facts to support the complaint, the Officer shall authorize a full investigation.

#### **D. Full Investigation**

If a preliminary investigation uncovers facts to support the complaint, the Officer shall authorize a full investigation. The complainant and the subject of the investigation shall be notified within three (3) days of the initiation of a full investigation and the subject shall be notified of the identity of the complainant. Until the investigation is concluded or terminated, the Officer will notify both the complainant and the subject of the investigation of the status of the investigation at least every ninety (90) days. Within one hundred eighty (180) days of the initiation of the full investigation, the Officer must either terminate the investigation or issue a findings report to the subject.

#### **E. Findings Report**

The findings report shall set forth the pertinent findings of fact as determined by the Officer. The Officer shall deliver the findings of fact to the complainant and the subject of the investigation. The subject of the investigation may, within 30 days of the report,

request an evidentiary hearing, unless an extension is obtained from the Officer. When such a request is received by the Officer, the Officer shall immediately notify the Board of the request for a hearing, and the names of the parties involved. The Board shall upon receipt of such notice engage two attorneys: one to represent the facts in support of the complaint; and one to advise the Board in matters related to the evidentiary hearing. The Board solicitor shall not have any involvement in a particular matter once the findings report has been issued.

#### **F. Evidentiary Hearing**

1. **Timing.** An evidentiary hearing must be held within forty-five (45) days of the filing of a request for the same.
2. **Evidence.** The subject of the investigation shall have reasonable access to any evidence intended to be used at a hearing. The subject of the investigation shall have the opportunity to be represented by counsel and to subpoena witnesses, present evidence, cross examine witnesses against him/her, submit argument and shall be entitled to exercise all rights of confrontation and the like afforded him/her by the United States Constitution and the Pennsylvania Constitution.
3. **Closed Hearing.** The hearing shall be closed to the public unless the subject requests an open hearing in writing to the Board at least five (5) days before the hearing.

#### **G. Decision by the Board; Final Order.**

At the conclusion of the evidentiary hearing, the Board will determine by majority vote of those members presiding whether the evidence supports a finding that the subject of the complaint violated provision(s) of either the Charter or the Code.

Upon reaching a determination on the complaint, the Board shall issue a final order. A copy of said final order shall be immediately delivered to both the complainant and the subject of the complaint.

#### **H. Petition for Reconsideration.**

A subject, having been found to have violated a provision of the Charter or Code, may file a petition for reconsideration of the Board's decision. Such petition shall be filed with the Board within ten (10) days of the day the Board issues its final order.

#### **I. Protection of Complainant**

No person may be penalized, nor any employee of the City be discharged, suffer change in his/her official rank, grade or compensation, denied a promotion, or



threatened, for a good faith filing of a complaint with the Board, or providing information or testifying in any Board proceeding.

## **SECTION 10. Confidentiality of Board Information**

All Board proceedings and records relating to an investigation shall be confidential until a final determination is made by the Board, except as may be required to effect due process. The final order shall become a public record once the subject has exhausted all appeal rights or has failed to timely exercise such rights. All other file material shall remain confidential.

## **SECTION 11. Wrongful Use of Board of Ethics**

The purpose of the Board of Ethics is to endeavor to maintain a high standard of ethical behavior by City employees and officials. This will be most effective when City employees, officials and citizens work together to set and maintain high ethical standards. Complaints directed to the Board must be based on fact. Those filing complaints must have the intent to improve the ethical climate of the City. Wrongful use of the Code is prohibited and those individuals engaged in such conduct may be subject to penalties as set forth in Section 7.

Wrongful use of the Code of Ethics is defined as either:

1. Filing an unfounded, frivolous or false complaint. A complaint is unfounded, frivolous or false if it is filed in a grossly negligent manner without a basis in law or fact and was made for a purpose other than reporting a violation of this Code. A person has not filed a frivolous complaint if he/she reasonably believes that facts exist to support the claim and either reasonably believes that under those facts the complaint is valid under this Code or acts upon the advice of counsel sought in good faith and given after full disclosure of all relevant facts within his/her knowledge and information.
2. Publicly disclosing or causing to be disclosed information regarding the status of proceedings before the Board and facts underlying a complaint before the Board, including the identity of persons involved and that a complaint has been filed.

**ORDINANCE NO. \_\_\_\_\_, 2009**

**ORDINANCE APPROVING COLLECTION PROCEDURES AND ADOPTING PENALTY, INTEREST AND SCHEDULE OF ATTORNEY FEES TO BE ADDED TO THE AMOUNT COLLECTED AS PART OF MUNICIPAL CLAIMS FOR DELINQUENT ACCOUNTS AND ADDING SUCH FEES TO THE CITY'S FEE SCHEDULE.**

WHEREAS, to be fair to all taxpayers in City of Reading, it is necessary for City of Reading to recover promptly the amount of delinquent unpaid municipal claims, and if necessary, by legal proceedings; and

WHEREAS, in the past the amount recovered in such proceedings has been depleted by the cost of reasonable attorney fees incurred by City of Reading in the proceedings, and in the case of smaller claims, making enforcement not financially feasible; and

WHEREAS, the Municipal Claims and Tax Liens Act, 53 P.S. ' 7101 et seq. (the AAct@), authorizes the adding of additional attorney fees, charges, expenses, commissions and fees to the total payable with respect to unpaid municipal claims but only if the municipality involved has approved by Ordinance a schedule of such fees; and

WHEREAS, City of Reading has determined that it is in the best interest of all taxpayers and other residents to have vigorous enforcement of all delinquent and other unpaid charges, utilizing the procedures set forth in the Act, except in the cases of serious hardship, which City of Reading will address on a case-by-case basis pursuant to uniform policies; and

WHEREAS, City of Reading has reviewed the subject of penalty, interest, and attorney fees for collection matters, and has determined that the fees set forth in the schedule hereby adopted are reasonable in amount for the services herein described.

NOW THEREFORE, IT IS HEREBY ORDAINED AND ENACTED BY CITY OF READING AS FOLLOWS:

**1. Fees to be Added to the Unpaid Claim.**

City of Reading hereby approves the following fee schedule for the collection of unpaid claims, which fees shall be added to the unpaid claim.

(a) Notice Expense. A fee, not to exceed \$50, together with all costs and expenses incurred, shall be added to the unpaid claim for mailing a notice of delinquency pursuant to Section 7106 of the Municipal Claims and Tax Liens Act.

(b) Collection Fees.

Handling fee for returned check \$ 30.00

Handling fee to issue refund check \$ 20.00

Bookkeeping fee for payment plan of 3 months or less \$ 25.00

Bookkeeping fee for payment plan of more than 3 months \$ 50.00  
 Guaranteed Payoff Fee \$ 25.00  
 (c) Legal Fees.  
 Initial review and sending first demand letter \$160.00  
 File lien and prepare satisfaction \$175.00  
 Prepare Writ of Scire Facias \$175.00  
 Obtain Re-issued Writ \$ 30.00  
 Prepare and mail letter under Pa. R.C.P. 237.1 \$ 30.00  
 Prepare Motion for Alternate Service \$175.00  
 Prepare Default Judgment \$175.00  
 Prepare Writ of Execution \$800.00  
 Attendance at Sale; Review Schedule of Distribution and Resolve Distribution Issues \$400.00  
 Continue Sheriff Sale \$ 50.00  
 Petition to Assess Damages \$ 50.00  
 Petition for Free and Clear Sale \$400.00  
 Prepare bankruptcy proof of claim \$100.00  
 Services not covered above At an hourly rate between \$60.00-\$225.00 per hour

## **2. Costs to be added to the Unpaid Claims.**

In addition, the reasonable and necessary out-of-pocket charges, costs, expenses, commissions and fees incurred in collection, such as but not limited to, postage, title searches, prothonotary fees and sheriff fees, shall be added to the unpaid claims.

**3. Interest.** Interest will be assessed upon all delinquent unpaid municipal claims at a rate of 10% per annum and added to the unpaid claim.

**4. Collection Procedures.** The following collection procedures are hereby established in accordance with the Act:

- (a) At least thirty (30) days prior to assessing or imposing attorney fees in connection with the collection of an Account, City of Reading or its designee shall mail or cause to be mailed, by certified mail, return receipt requested, a notice of such intention to the taxpayer or other entity liable for the Account (the AProperty Owner@).
- (b) If the certified mail notice is undelivered, then, at least ten (10) days prior to the assessing or imposing such attorney fees, City of Reading or its designee shall mail or cause to be mailed, by first class mail, a second notice to the property owner.
- (c) All notices required by this Ordinance shall be mailed to the property owner=s last known post office address as recorded in the records or other information of City of Reading, or such other address as it may be able to obtain from the County Office of Assessment and Revision of Taxes.
- (d) Each notice as described above shall include the following:
  - (i) The type of tax or other charge, the date it became due and the amount owed, including penalty and interest;

- (ii) A statement of City of Reading's intent to impose or assess attorney fees within thirty (30) days after the mailing of the first notice, or within ten (10) days after the mailing of the second notice;
- (iii) The manner in which the assessment or imposition of attorney fees may be avoided by payment of the Account; and
- (iv) The place of payment for Accounts and the name and telephone number of City of Reading's representative designated as responsible for collection matters.

5. **Related Action.** The proper officials of City of Reading are hereby authorized and empowered to take such additional action as they may deem necessary or appropriate to implement this Ordinance.

6. **Appointment of Solicitor.** City of Reading appoints Michelle R. Portnoff, Esquire as Solicitor for the limited purpose of collecting delinquent municipal claims and hereby authorizes her, and attorneys under her supervision, to sign any and all documents, including tax and municipal claims, on behalf of the City.

DULY ORDAINED AND ENACTED BY CITY OF READING  
ON \_\_\_\_\_, 2009.

City of Reading

\_\_\_\_\_

[City of Reading Seal]

Attest:

\_\_\_\_\_  
City Clerk

**BILL NO. \_\_\_\_\_ 2009**  
**AN ORDINANCE**

**AN ORDINANCE AMENDING THE CITY OF READING CODE OF ORDINANCES  
CHAPTER 27 ZONING BY CREATING A NEW SECTION IN PART 11  
ADDITIONAL REQUIREMENTS FOR SPECIFIC USES OF ZONING DISTRICTS  
BY PLACING REQUIREMENTS FOR THE RENTAL OF SINGLE FAMILY HOMES  
IN AREAS ZONED R-1, R-1A and R-2 AND AMENDING THE DEFINITIONS  
SECTION.**

**WHEREAS**, as the City's Zoning Ordinance and Map allows residential rental uses – multi family and single family – in Penn Square, CN, CR, CC, R-PO, and R3, and

**WHEREAS**, over 50% of all residential dwellings in the City of Reading are rental dwellings; and

**WHEREAS**, there is a greater incidence of violations of various codes of the City at residential dwelling where Owners do not reside in the City and rent such dwelling to three or more unrelated individuals than at an Owner-occupied residential dwelling or one family-occupied residential dwellings; and

**WHEREAS**, there is a greater incidence of problems with maintenance/upkeep and quality of life disturbance of residential dwellings where Owners do not reside in the City and rent such dwelling to three or more unrelated individuals than at Owner-occupied dwellings or one family-occupied dwellings; and

**WHEREAS**, the City of Reading City Council and residents of these neighborhoods seek to preserve the quality of life in the low density residential zones by creating requirements for one family rental dwelling in area zoned R-1, R-1A and R-2.

**NOW THEREFORE, THE CITY OF READING CITY COUNCIL HEREBY ORDAINS  
AS FOLLOWS:**

**SECTION 1.** Amending the City of Reading Codified Ordinances - Chapter 27 Zoning Part 11 Additional Requirements for Specific Uses or Zoning Districts by creating a Section 27-1107 which creates restrictions on the rental of one family detached and semi-detached dwellings in R-1, R-1A and R-2 zoning districts, as follows:

Section 27-1107. Requirements for Rental Dwellings in the R-1, R-1A and R-2 Zoning Districts.

- A. All one family rental dwellings must obtain a zoning permit.
- B. No one family dwelling in these zoning districts shall be converted for multi-family use or created to become Roommate Households as defined in Sections 27-1202 (16) and 27-2202.
- C. The zoning application must include a site plan and architectural plans, drawn to scale, must show the location and dimensions of off-street parking, private entrances, walkways, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.
- D. The rental dwelling must meet the standards of the City of Reading building, housing and fire codes as required for residential rental dwellings. The owner must verify to the City of Reading on an annual basis that the dwelling meets all of the maintenance, plumbing, electrical, heating, building, fire, and similar standards set by the City and by the Commonwealth of Pennsylvania.
- E. No cooking facilities of any kind shall be located in any room except the central kitchen.
- F. Every bedroom shall be at least 70 square feet of floor area and there shall be no more than two occupants per bedroom.
- G. No basement or cellar shall be used as a habitable bedroom except by special approval and variance from the Zoning Hearing Board.
- H. Each rental dwelling must provide off-street parking as stated in the City of Reading Zoning Ordinance Section 27-1603 V.
- I. No rental dwelling shall be located within 800 feet of another except by special approval and variance from the Zoning Hearing Board.

**SECTION 2.** Requiring all existing rental detached and semi-detached dwellings in R-1, R-1A and R-2 zoning districts to register their dwellings pre-existing, non-conforming status within one (1) year of the enactment of this ordinance. Registering the dwelling by this date will allow the dwelling to continue its use. If the pre-existing, non-conforming use is not registered by the stated date, the use will be considered abandoned and the dwelling must be converted to a use permitted in the zone within six (6) months.

**SECTION 3.** Amending the City of Reading Codified Ordinances - Chapter 27 Zoning Part 22 Definitions by adding the following:

**RENT, RENTING, RENTAL, LET, LETTING, LEASE OR WORDS OF SIMILAR MEANING** – the act of permitting a unit to be used to provide a

living arrangement for one or more persons not the owner thereof whether or not for compensation.

**RENTABLE UNIT, RENTAL PROPERTY, UNIT, OR WORDS OF SIMILAR MEANING** - Any dwelling, dwelling unit, rooming house or rooming unit not solely occupied by the owner.

**ROOMING UNIT**- a portion of a building providing rooms for sleeping and/or sanitary facilities.

**ROOMMATE HOUSEHOLDS** - a shared housing arrangement where ~~at least two, and no more~~ than three persons not related by blood, marriage, adoption or foster relationship live together in a single dwelling unit and/or a single housekeeping unit on a permanent or temporary arrangement. Any exception to this definition in number of persons in the occupancy arrangement requires approval as a special exception review by the Zoning Hearing Board.

**SECTION 4.** The owner or qualified agent or manager of the property shall register the rental dwelling annually with the Codes Services and Tax Administration offices. Failure to register on an annual basis will revoke the zoning permit.

**SECTION 5.** This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or re-passage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted \_\_\_\_\_, 2009

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

*(Councilor Marmarou & Council Staff)*

BILL NO. \_\_\_\_\_-2009

AN ORDINANCE

**AN ORDINANCE AMENDING THE CITY OF READING ZONING ORDINANCE PER EXHIBIT "A" TO CREATE A NEW ZONING DISTRICT TO BE KNOWN AS MUNICIPAL USE (MU) ZONING DISTRICT AND THE USES ALLOWED THEREIN AS WELL AS THE REQUIREMENTS FOR SUCH USES AND AMENDING THE CITY OF READING ZONING MAP TO REFLECT THE ADDITION OF A NEW ZONING DISTRICT AS DESCRIBED IN AND PER THE MAP ATTACHED AS EXHIBIT "B"**

**THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

SECTION 1. The Zoning Ordinance of the City of Reading is amended per attached Exhibit "A," to create a new zoning district to be known as Municipal Use (MU) Zoning District and the uses allowed therein as well as the requirements for such uses and amending the City of Reading Zoning Map per Exhibit "B" to reflect the addition of a new zoning district, Municipal Use (MU) Zoning District

SECTION 2. SEVERABILITY. It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Amendment to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Amendment shall continue to be separately and fully effective. The City Council hereby declares that it would have passed this Amendment and each section or part thereof, other than any part declared invalid, if it had advance knowledge that any part would be declared invalid.

SECTION 3. REPEALER. Any specific provisions of the City of Reading Zoning Ordinance, Subdivision and Land Development Ordinance or any other City Ordinance or resolution that is in direct conflict within this Zoning Amendment are hereby repealed.

SECTION 4. NUMBERING AND LETTERING. Should any number or letter assigned to an amendment set forth herein conflict with or been previously assigned under a prior amendment to the City of Reading Zoning Ordinance, then the number or letter herein shall be automatically amended when codified to reflect the next available number or letter.



SECTION 5. All other provisions of the City of Reading Zoning Ordinance, Section 27-101 et seq. of the City of Reading Codified Ordinances shall remain unchanged and in full force and effect.

SECTION 6. Effectiveness of Ordinance. This Ordinance will become effective in accordance with Charter Section 219.

Enacted \_\_\_\_\_, 2009

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

(LAW DEPT.)

# **EXHIBIT A**

## **SECTION 27-701 DISTRICTS IS AMENDED TO ADD:**

I. Municipal Use district (MU).

## **SECTION 27-702 INTENT OF DISTRICTS IS AMENDED TO ADD:**

I. Municipal Use district (MU). The Municipal Use district is intended as a relatively isolated area, reserved for those uses and services traditionally provided by local governments, but whose associated nuisances, and/or security concerns warrant a separation, to the extent practical, from publicly accessible and occupied areas. Permitted uses within the Municipal Use district are those operated by the City of Reading, alone or in partnership with other government entities.

## **PART 8 DISTRICTS IS AMENDED TO ADD:**

### **§27-816 MU - MUNICIPAL USE DISTRICT**

Minimum Lot Size	Maximum Building Coverage	Maximum Lot Coverage	Maximum Height	Minimum Lot Width	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Combined Side Yard Setback
43,560 square feet	40%	80%	80 feet	100 feet	40 feet	40 feet	40 feet	

## **PERMITTED USES**

**Wastewater Treatment Operations**

**Law Enforcement Operations**

**Fire Fighting and Rescue Service Operations**

**Recycling Operations**

Multiple principal uses and occupancies on single parcels within the Municipal Use district are expressly authorized, where common (City) ownership makes subdivision otherwise unnecessary; 'area and bulk' standards shall apply to the parcel as a whole. The adequacy of separations between uses shall be established by agreement between the City's project representative and a qualified design professional, and to the satisfaction of the incumbent tenants and their continuing operations. Municipal use parcels are not required to front on a public street, though sufficient (driveway) access must nonetheless be provided.

## **PART 11 ADDITIONAL REQUIREMENTS FOR SPECIFIC USES OR ZONING DISTRICTS IS AMENDED TO ADD:**

**§27-1107 Additional Requirements and Performance Standards for Permitted Uses in the MU Zoning District**

**A. Wastewater Treatment Operations:** an application for a “wastewater treatment operation” shall include a general explanation of the treatment processes, including the technologies involved, noise and odor mitigating measures, and the receiving water body of the treated effluent. The area of wastewater treatment equipment which is *open to precipitation from above* need not be counted in the calculation of building and impervious coverage percentages.

**B. Law Enforcement Operations:** an application for a “firing range” shall include a description of the design of the berm/backstop, and other safety measures. Designs shall implement the Environmental Protection Agency's Best Management Practices (BMPs) "for lead at firing ranges".

**C. Fire and Rescue Service Operations:** an application for a “live-fire training facility” shall include a description of the different training structures/evolutions designed. Water towers, simulation buildings, and other buildings specifically designed for their height, may exceed the building height maximum, where such increased height is related to the instruction or practice of fire-fighting and/or rescue techniques.

**D. Recycling Operations:** an application for a “recycling operation” shall include a description of the types and quantities of materials to be collected and the loading areas.

**SECTION 27-1603.1 OFF STREET PARKING STANDARDS IS AMENDED TO ADD:**

**GG. Wastewater Treatment Operations:** off-street parking shall be provided at the rate of at least one space per full-time employee on the largest shift, plus 10% for visitors, inspectors, shift change flexibility, et cetera. When located in the Municipal Use district, a common parking area may be delineated.

**HH. Law Enforcement Operations:** off-street parking shall be provided at the rate of at least one space for every four classroom seats/shooting lanes. When located in the Municipal Use district, a common parking area may be delineated.

**II. Fire and Rescue Service Operations:** off-street parking shall be provided at the rate of at least one space for every four classroom seats. When located in the Municipal Use district, a common parking area may be delineated.

**JJ. Recycling Operations:** off-street parking shall be provided at the rate of at least one space per employee, if any. A minimum of two loading spaces, exclusive of driveways and sized according to the largest vehicles permitted, shall be provided for every container placed. When located in the Municipal Use district, a common parking area may be delineated.

**SECTION 27-2202 DEFINITIONS IS AMENDED TO ADD THE FOLLOWING WORDS AND DEFINITIONS:**

**WASTEWATER TREATMENT OPERATIONS** - includes all infrastructure, equipment and activities related to the collection, conveyance, treatment, monitoring, sampling and discharge of wastewater, regardless of its source, including, but not necessarily limited to: the pipes, manholes, junction boxes, valves, pumps, grinders, grit chambers, screening facilities, presses, centrifuges, clarifiers, settling tanks, physical, biological and chemical treatments, laboratories, vehicular and administrative facilities necessary to consistently remediate wastewater according to current regulatory standards operated by the City's Department of Public Works.

**LAW ENFORCEMENT OPERATIONS** - includes firing ranges, accessory buildings and activities related to firing ranges, facilities for the disposal of regulated/controlled substances, the educational, vehicular and administrative facilities necessary to the initial and continuing training, qualification and accreditation of law enforcement officers and their supporting staff, operated by the City's Department of Police.

**FIRE AND RESCUE SERVICE OPERATIONS** - includes live-fire training facilities, the educational, vehicular and administrative facilities necessary to the initial and continuing training, qualification and accreditation of fire fighters, emergency medical and disaster responders, and their supporting staff, operated by either the City's Department of Fire and Rescue Services or the County of Berks.

**RECYCLING OPERATIONS** - includes facilities for the collection and organization of recyclable materials, and/or the composting of organic materials, operated by either the City's Department of Public Works or the Berks County Solid Waste Authority. It may include collection events for the general public, where sufficient loading and staging areas are delineated.

# **EXHIBIT B**

## **MUNICIPAL USE (MU) ZONING DISTRICT**

The City of Reading Municipal Use (MU) Zoning District shall consist of:

That portion of the City of Reading commonly known as Fritz Island, bounded on the north by the centerline of the Angelica Creek, on the east by centerline of the Schuylkill River, on the south by the municipal boundary of the Township of Cumru, and on the west by the municipal boundary of the Township of Cumru and the centerline of Morgantown Road (SR 0010).

**BILL NO\_\_2009**

**A N O R D I N A N C E**

**THE COUNCIL OF THE CITY OF READING ENACTS THIS ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES – CHAPTER 4 – PART 1 HISTORICAL DISTRICTS – SECTION 102 BY ADDING THE DEFINITION OF SATELITE DISH, ANTENA AND OTHER MODERN DEVICE AND CHAPTER 4 – PART 1 HISTORIC DISTRICTS BY ESTABLISHING GUIDELINES FOR THE INSTALLATION OF SATELLITE DISHES AND OTHER MODERN ACCESSORIES, DEVICES OR FIXTURES OF COMPARABLE SIZE IN HISTORIC DISTRICTS.**

**THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** Adding new language in the City's Codified Ordinances Chapter 4, Part 1 Historical Districts Section 102 defining satellite dish, antenna, and other modern device as follows:

**Satellite dish-** A “dish” antenna that is one meter (39.37”) or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service.

**Antenna-** An antenna that is one meter (39.97”) or less in diameter or diagonal measurement and is designed to receive video programming service via MMDS (wireless cable). Such antennas may be mounted on masts to reach the height needed to establish line-of-sight contact with the transmitter.

**Other Modern Device-** Any other device communication or other utilized to assist in viewer's ability to receive video programming signals from direct broadcast satellites, multichannel multipoint distribution (MMDS), and television broadcast stations (TVBS)

**SECTION 2.** Establishing the following guidelines for the placement of satellite dishes in historic districts:

**a. Installation-**No satellite dishes, antenna, or other similar modern device shall be installed or placed in front yards, front of buildings or along their facades within historic districts. All satellite dishes, antenna, or other similar modern devices shall be located to the rear of the main dwelling unit. Antenna and satellite dishes may be installed in the rear or on the roof of the main



dwelling unit. A roof mounted satellite dish or antenna shall not be visible from the public right of way.

**b. Exceptions-** Satellite dishes may be installed in front of buildings in the historic district only if no other means of reception can be provided. In such cases, the owner or tenant of the property shall seek the issuance of a certificate of appropriateness as required in section 107 of the Historical District Ordinance. Such satellite dishes shall be installed to be unobtrusive and shall be screened from view through the use of landscaping, fencing and/or architectural building features. The Building Inspector and Historic Preservation Specialist shall approve the installation to ensure there is no disruption to the historic nature and aesthetic value of the district.

**c. Removal-**Any satellite dishes installed in the front of buildings before the enactment of this ordinance shall be removed to meet the requirements of the ordinance **within ninety (90) days of the effective date of this ordinance** ~~if and when the device requires replacement or when the owner or tenant who installed the device no longer inhabits the property.~~

**SECTION 3.** This ordinance shall become effective within ten (10) days of the date of passage and approval by the Mayor or override of the Mayor's veto.

Enacted \_\_\_\_\_, 2009

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

**BILL NO. \_\_\_\_\_-2009**  
**A N O R D I N A N C E**

AMENDING THE CITY OF READING CODIFIED ORDINANCES BY CREATING A  
NEW PART 20 - VACANT BUILDING REGISTRATION - IN CHAPTER 10 HEALTH  
AND SAFETY ENFORCEMENT

**THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** The City of Reading Code of Ordinances is hereby amended by creating a new Part 20 Vacant Building Registration in Chapter 10 Health and Safety as attached in Exhibit A

**SECTION 2.** All other sections, parts and provisions of the City of Reading Code of Ordinances shall remain in full force and effect as previously enacted and amended.

**SECTION 3.** In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of City Council that the remainder of the Ordinance shall be and shall remain in full force and effect.

**SECTION 4.** This Ordinance shall take effect ten (10) days after adoption in accordance with City of Reading Home Rule Charter, as amended, Sections 219 and 221.

Enacted \_\_\_\_\_, 2009.

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
City Clerk

(Councilor Waltman & Council Staff)  
(PMD and LAW)

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

## EXHIBIT A

### PART 20 VACANT BUILDING REGISTRATION

#### §10—2001. PURPOSE AND ENFORCEMENT.

A. The purpose of this part requiring the registration of all vacant buildings and structures and the payment of registration fees is to assist the City in protecting the public health, safety and welfare, to monitor the number of vacant buildings and structures in the City, to assess the effects of the condition of those buildings on nearby businesses, buildings, structures, properties and the neighborhoods in which they are located, particularly in light of fire safety hazards and unlawful, temporary occupancy by transients, including illicit drug users and traffickers, and to require of the owners of such vacant buildings and structures to register and the pay related fees, and to promote substantial efforts to rehabilitate such vacant buildings and structure. The provisions of this part are applicable to the owners of such vacant buildings as set forth herein and are in addition to and not in lieu of any and all other applicable provisions of the Codified Ordinances of the City of Reading and all relevant codes and/or regulations adopted therein.

#### §10—2002. DEFINITIONS

For the purposes of this section, where terms are not defined, such terms shall have ordinarily accepted meanings such as the context implies. The following words shall have the meanings respectively ascribed to them as follows:

**Boarded** a building, structure or dwelling unit subject to the provisions of this part if in place of one or more exterior doors, other than a storm door, or of one or more windows, there is a sheet or sheets of plywood or similar material covering the space for such door or window.

**Dwelling unit** means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**Notice** written notice of a violation or requirement under this section mailed, pursuant to first class mail, to the last known address of the owner of the property in question.

#### **Public Nuisance:**

- (a) Any building or structure which because of physical condition or use is

regarded as a public nuisance and has been declared a public nuisance in accordance with the local housing, building, plumbing, fire and related codes.

(b) Any building or structure which because of physical condition, use or occupancy is considered an attractive nuisance to children.

(c) Any building or structure which because it is dilapidated, unsanitary, unsafe, insect or vermin infested or lacking in the facilities and equipment required by the City of Reading Codified Ordinances and has been designated by the City as a public nuisance.

(d) Any structure which is a fire hazard or is otherwise dangerous to the safety of person or property.

(e) Any structure from which water, plumbing, heating, sewage or other facilities have been disconnected, destroyed, removed or rendered ineffective so that the property creates a hazard to neighboring properties.

(f) Any building or structure which for reason of neglect or lack of maintenance, has become a place for accumulation of trash and debris or a haven for rodents and other vermin.

(g) Any building or structure which lacks or has rendered inoperable fire protection system as required by the applicable City of Reading Codified Ordinance.

(h) Any building or structure which as a result of its dilapidated, unsanitary, unsafe, insect or infested condition creates a damage or a risk of damage to a neighboring property.

**Occupied** any building or structure where one or more persons actually conducts a lawful business or resides in all or any part of the building as the licensed business-occupant, or as the legal or equitable owner/occupant(s) or tenant(s) on a permanent, non-transient basis, or any combination of the same. For purposes of this part, evidence offered to prove that a building is so occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the U.S. Postal Service; proof of

continual telephone, electric, gas, heating, water and sewer services; trash collection services; a valid City business license, or the most recent, federal, state, or City income tax statements indicating that the subject property is the official business or residence address of the person or business claiming occupancy; or proof of up to date tenant list

**Open** a building or structure whereat any one or more exterior doors, other than a storm door, is broken, open and, or closed, but, without a properly functioning lock to secure it, or if one or more windows is broken or not capable of being locked and secured from intrusion or any combination of the same.

**Owner** any person, agent, operator, partnership, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**Vacant** a building or structure shall be deemed to be vacant if no person or persons actually, currently conducts a lawfully licensed business, or lawfully resides or lives in any part of the building as the legal or equitable owner(s) or tenant occupant(s), or owner-occupants, or tenant(s) on a permanent non-transient basis.

#### **§10—2003. APPLICABILITY**

The requirements of this article shall be applicable to every building and structure in the City of Reading and each owner of any building whether governmental, commercial, residential or institutional or owned by non-profit or a for-profit organization in which the building in total shall have been vacant for more than 45 consecutive days. Registration shall be required for all vacant buildings and structures, whether vacant and secure, vacant and open or vacant and boarded and shall be required whenever any building has remained vacant for 45 consecutive days or more. This part shall not apply to any building owned by the United States, the Commonwealth, the City of Reading, County of Berks nor to any of their respective agencies or political subdivisions.

#### **§10—2004. REGISTRATION STATEMENT**

Each such owner shall cause to be filed a notarized registration statement on a form prepared and provided by the Property Maintenance Division of the City of Reading, which shall include but not be limited to the street address and parcel number of each

such vacant building, the names and addresses of all owners, as hereinafter described, and any other information deemed necessary by the Property Maintenance Division, Building and Trades Division, and the Department of Fire and Rescue Services. For purposes of this part, the following shall also be applicable:

- (a) If the owner is a corporation, the registration statement shall provide the names and residence addresses of all officers and directors of the corporation and shall be accompanied by a copy of the most recent relevant filing with the Pennsylvania Department of State.
- (b) If an estate, the name and business address of the executor of the estate;
- (c) If a trust, the name and address of all trustees, grantors and beneficiaries;
- (d) If a partnership, the names and residence addresses of all partners with an interest of ten (10) percent or greater;
- (e) If any other form of unincorporated association, the names and residence addresses of all principals with an interest of ten percent or greater;
- (f) If an individual person, the name and residence address of that individual person. The Registration Statement and, where applicable, Registration Fee(s) as required by sub-section §10—2006 of this section shall be billed by the Property Maintenance Division and such Registration Statement and, where applicable, Registration Fee(s), shall be filed with and/or paid to the Property Maintenance Division for the subject year no later than the last business day of said year, on or before December 31, or if December 31 falls on Saturday or Sunday by the preceding Friday, of each year. For purposes of this ordinance, registration application initially shall be due on September 1, 2009

#### **§10—2005. DUTY TO AMEND REGISTRATION STATEMENT**

If the status of the registration information changes during the course of any calendar year, it is the responsibility of the owner, responsible party or agent for the same to contact the Property Maintenance Division within thirty (30) days of the occurrence of such change and advise the department in writing of those changes.

#### **§10—2006. FEES**



The owner of the vacant property as of December 31<sup>st</sup> of each calendar year shall be responsible for the filing of his/her Registration Statement and, where applicable, registration payment of the non-refundable registration fee. Said fee shall be \$100 per year per building and structure which has not been declared a public nuisance by the City of Reading Property Maintenance Division, Department of Fire and Rescue Services or Building and Trades Division of the Department of Community Development and the exterior of said building or structure is compliant with the applicable codes and ordinances.

Upon a determination that a building or structure is a public nuisance or becomes non code compliant on the exterior, the fee for Registration of a Vacant Building or Structure shall be:

- \$500 for buildings or structures that have been vacant for one to two years;
- \$1,000 for buildings or structures that have been vacant for two to three years;
- \$2,000 for buildings or structures that have been vacant for three to five years;
- \$3,500 for buildings or structures that have been vacant for five to ten years; and
- \$5,000 for buildings that have been vacant for ten years.

The fee shall increase by \$500 for each year beyond the ten years that the building has been vacant.

An owner may appeal a determination of a public nuisance or exterior non code compliant to the Building and Fire Board of Appeals as set forth herein. Once a building or structure has been declared a public nuisance or non code compliant, upon correction of the basis for such determination, an owner may apply to the Property Maintenance Division for removal of the nuisance or non code compliant determination and reduction of the fee to \$100 per year.

#### **§10—2007. DELINQUENT REGISTRATION FEES AS A LIEN**

After the owner is given notice of the amount of the Registration Fee due, except for those owners that have properly perfected an appeal pursuant to §10-2012 above, and the owner fails to pay the amount due within thirty (30) days, said amount shall constitute a debt due and owing to the City, and the City may either enter a lien on the property or turn it over to a collection agency for receipt as provided by law

#### **§10—2008. ONE TIME WAIVER OF REGISTRATION FEE**

A one-time, one year waiver of the registration fee may be granted by the Property Maintenance Division upon application of the owner and upon review and advice of

the Solicitor's Office, within 15 calendar days of the date of the bill for the registration fee, if the owner:

1. Demonstrates with satisfactory proof to the Property Maintenance Division, Building and Trades Division and/or Department of Fire and Rescue Services that he/she has submitted valid architectural plans, based on city's permits and planning application procedures, and otherwise has shown good faith efforts to efficiently rehabilitated, demolish, or otherwise substantially repair or improve said vacant building; or

2. Demonstrates with satisfactory proof to the Property Maintenance Division, Building and Trades Division and/or Department of Fire and Rescue Services that he/she is actively marketing the property for sale/lease. Actively marketing will be defined as an owner who has placed a "for sale" or a "for lease" sign on the property with accurate contact information, which is also provided to the Property Maintenance Division, Building and Trades Division and/or Department of Fire Services, and has done at least one of the following:

(a) Engaged the services of a real estate licensee, whose name, address, telephone number and email will be provided to the Property Maintenance Division, Building and Trades Division and Department of Fire and Rescue Services, in the Multiple Listing Service (MLS);

(b) Placed weekly advertisements in print or electronic media;

(c) Distributed printed advertisements.

#### **§10-2009. DECISION ON APPLICATION FOR WAIVER**

Within thirty (30) days after the waiver application is received by the Property Maintenance Division, and upon review by the Property Maintenance Division, Building and Trades Division and/or Department of Fire and Rescue and advice of the Solicitor's Office, the Property Maintenance Division shall grant or deny the waiver in writing, and dispatch the written decision by mail to the owner. If the owner properly submitted an application for a one-time waiver to the Property Maintenance Division and that application was denied, the owner may seek an appeal from the Building and Fire Board of Appeals by filing an appeal request in writing within twenty (20) calendar days of receipt of the denial.

#### **§10—2010. LOCAL AGENT**

If none of the persons listed in §10-2004 above is shown at an address within Berks County, the Registration Statement also shall provide the name and address of a person who resides within Berks County appointed by the owner as the local agent. The owner and responsible local agent shall be jointly and severally legally responsible compliance with the City of Reading Codes and Codified Ordinances and the laws of the Commonwealth of Pennsylvania. The local responsible agent shall be responsible for, including but not limited to, providing the Code Official with access to the building or structure for the purpose of making inspections, is authorized to accept service of process on behalf of the owners, receive notification in the event of an emergency affecting the public health, safety or welfare and for purposes of service of any and all notices or registration statements as herein authorized and in connection herewith.

## **§10—2011. INSPECTIONS**

**Annual Inspection.** An annual inspection of a Registered Vacant Building shall be performed by the Property Maintenance Division for Residential Structures and Building / Trades Division and/or Fire Prevention Division for Commercial Structures, or as necessary, to determine if it complies with the minimum requirements, as determined by the code official, of applicable Property Maintenance Code, Building and Trades Codes and Fire Prevention Code. If violations of these Codes are identified the Property Maintenance Code shall issue a notice of violation as per the requirements of those codes and give notice to the owner to comply with the codes with a time to cure. If the violations are not corrected within the time given, the property shall be declared a public nuisance.

**Complaint Inspections.** Nothing in this Part shall preclude a Code Official from performing an inspection upon receipt of a complaint of violation of the City of Reading Codes and Codified Ordinances existing at the building or structure. Said inspections shall be in accord with the applicable Codes and Ordinances and regulations and policies established by the City of Reading.

**Right of Entry.** The Code Officials are authorized and directed to make inspections at any reasonable hour to determine compliance with the aforementioned codes. For this purpose, the Property Maintenance Division, Building and Trades Division and Department of Fire and Rescue Services, its officers or representatives are authorized to enter and examine any building, structure, yard or part of either and every owner, operator or occupant shall allow the inspectors, officers or representatives of the Property Maintenance Division and Department of Fire and Rescue Services free access.

**Search Warrant.** If any owner, local agent or other person in charge of a building or structure subject to the provisions of this Part refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to every part of the structure or premises where inspection authorized by this Part is sought, the administrative authority, appropriate Code Official, shall promptly apply for an administrative search or inspection warrant to a court of competent jurisdiction and shall supply all necessary affidavits and testimony to indicate that there is a reasonable or probable cause to conduct an inspection.

**Notice.** All notices scheduling an inspection shall be mailed via regular mail to the owner of record with a copy mailed via regular mail to the local responsible agent.

**Failure to Appear for Inspection.** If the owner or his/her local responsible agent cannot be available at the proposed time, said owner or representative shall provide no less than 24-hour written notice to the Property Maintenance Division. Upon failure to give such written notice or upon failure to gain entry, an administrative fee of \$50 will be assessed against the owner or representative of the owner failing to supply written notice or appear. For each rescheduling beyond the second rescheduling an administrative fee of \$100 shall be assessed in all cases. Failure to pay administrative fees shall at the discretion of the Code Official constitute a violation of this or the applicable Code including but not limited to the City of Reading Property Maintenance Code. Failure of an owner or his/her local responsible agent to appear for a scheduled inspection shall be considered probable cause for obtaining a search warrant to inspect the premises.

**Special Requested Inspection.** Whenever the owner, mortgagee, purchaser or other interested party requests a special inspection of a property regulated by this Article, or certification that a property is in compliance with this Article or other applicable City ordinances pertaining to structural condition; when such a request is being made in connection with the sale, conveyance, transfer, financing or refinancing of such property; then such person shall first pay a fee of \$200 to the City to defray the expenses of making such inspection.

## **§10—2012. SERVICE CUT OFFS**

(e) Upon registration of a property the Property Maintenance Division and/or Fire Marshall shall see to it that all service utilities are disconnected as per Property Maintenance Code 108.2.1 Service Utilities.

#### **§10—2013. APPEAL RIGHTS.**

**A. Registration Fees.** The owner shall have the right to appeal the imposition of the registration fees to the Building and Fire Board of Appeals upon filing an application in writing to the Property Maintenance Division no later than twenty (20) calendar days after the date of the billing statement. On appeal, the owner shall bear the burden of providing satisfactory objective proof of occupancy as defined in §10-2002 above.

**B. Public Nuisance and Exterior Non Code Compliant.** The owner shall have the right to appeal the determination that a building or structure is a public nuisance or the exterior is non code compliant to the Building and Fire Board of Appeals upon filing an application in writing to the Property Maintenance Division no later than twenty (20) calendar days after notification of said determination. On appeal, the owner shall bear the burden that the property is not a public nuisance and the exterior is code compliant.

**C. Fee.** The fee for filing of an appeal to the Building and Fire Board of Appeals shall be \$100. Failure to submit the appropriate fee with the request for an appeal shall result in automatic denial of the appeal. In addition to said fee, the Appellant shall be responsible for all costs incurred to conduct a hearing beyond that covered by the fee.

#### **§10—2014. ADMINISTRATION AND ENFORCEMENT**

Administration and enforcement of this section shall remain under the control of the Property Maintenance Division, Building and Trades Division and/or the Department of Fire and Rescue Services.

#### **§10—2015. VIOLATIONS AND PENALTIES.**

**A. Violations.** The failure or refusal for any reason of any owner, or agent of an owner acting on behalf of the owner, to file a Registration Statement, to pay any fees required to be paid pursuant to the provisions of this part, or to appear for an inspection, shall constitute a violation. The violation shall be deemed a strict liability offense

**B. Prosecution of Violations.** The Fire Marshal, Chief Building Official and/or Property Maintenance Division Administrator or his/her designee.

shall have the authority to institute the appropriate proceeding at law or in equity, to restrain, correct or abate such violation of the provisions of this Part or of the order or direction made pursuant thereto. Such authority shall include but not be limited to the Fire Marshal, Chief Building Official and/or Property Maintenance Division Administrator or his/her designee. institution of summary criminal proceedings via the issuance of a nontraffic citation in accord with the Pennsylvania Rules of Criminal Procedures in the court of appropriate jurisdiction, as a means of enforcement of this section and shall, when acting within the scope of employment hereunder, have the powers of a police officer of the City; provided, however, that under no circumstances shall they have the power of arrest.

**C. Penalties.** Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for the first two continual and uncorrected failure or refusal to register, or for each failure or refusal to pay and not exceeding five thousand dollars (\$5,000) for the third and any subsequent continual and uncorrected failure or refusal to register or for each subsequent failure or refusal to pay or imprisonment for any term not exceeding (90) ninety days. Each day that violation of this Part continues or each section of this Part which shall be found to have been violated shall constitute a separate offense.

## **§10—2016. COMPLIANCE WITH OTHER CODES**

In no instance shall the registration of a vacant building and the payment of registration fees be construed to exonerate the owner, agent or responsible party from responsibility for compliance with any other City of Reading Code or Ordinance.

## **§10—2017. NONEXCLUSIVE REMEDIES.**

The penalty and collection and lien provisions of this Part shall be independent, nonmutually exclusive separate remedies, all of which shall be available to the City of Reading as may be deemed appropriate for carrying out the purposes of this Part. The remedies and procedures provided in this Part for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the City in the case of a violation of any other City of Reading Code or Codified Ordinances, whether or not such other code or ordinance is referenced in this Part and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this Part.

## **§10-2018 BLIGHTED PROPERTY REVIEW**

Nothing in this Part, shall be meant or utilized to override or circumvent a property under consideration, review and in the process of the City of Reading Blighted Property Review Committee. A property be under order of the City of Reading Blighted Property Review Committee to be rehabilitated yet continue to be required to register as a Vacant Building or Structure pursuant to this Part.

BILL NO. \_\_\_\_\_-2009

**A N O R D I N A N C E**

**AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT AGREEMENT BETWEEN THE CITY OF READING AND THE READING AREA WATER AUTHORITY THEREBY CONVEYING UNTO THE READING AREA WATER AUTHORITY A NON-EXCLUSIVE, PERPETUAL EASEMENT IN GROSS UPON THAT PORTION OF PREMISES KNOWN AND DESIGNATED AS EASEMENT 101-2 LOCATED WITHIN PARCEL ID # 530773-51-0576, ALONG RIVER ROAD, READING, BERKS COUNTY, PENNSYLVANIA.**

**WHEREAS**, the City of Reading is the legal owner of real property situate along River Road, Reading, Berks County, Pennsylvania, with parcel ID # 530773-51-0576, and more particularly described in a certain deed appearing in the Office of the Recorder of Deeds in and for Berks County, Pennsylvania, in Record Book Vol. 1023, at Page 334; and

**WHEREAS**, the Reading Area Water Authority has need of access to said property for purposes of construction and maintenance of a water pumping station; and

**WHEREAS**, the City of Reading is willing to grant to the Reading Area Water Authority a perpetual easement in connection with said parcel for such purpose.

**NOW, THEREFORE THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** The Mayor is authorized to execute an Easement Agreement (attached as Exhibit "A") to convey unto the Reading Area Water Authority a non-exclusive, perpetual easement in gross upon that portion of premises known and designated as Easement 101-2, located within Parcel ID # 530773-51-0576, along River Road, Reading, Berks County, Pennsylvania, as shown on Plan of BCM Engineers dated February 23, 2009 (see attached Exhibit "A").



**SECTION 2.** This Ordinance shall be effective ten (10) days after passage.

Enacted \_\_\_\_\_, 2009

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

(LAW DEPT.)

Prepared by:

Michael A. Setley, Esquire  
SETLEY, RAUCH & BUCOLO  
4 PARK PLAZA, 2<sup>ND</sup> FLOOR  
WYOMISSING, PA 19610  
(610) 898-9500

Return to:

Michael A. Setley, Esq.  
SETLEY, RAUCH & BUCOLO  
4 PARK PLAZA, 2<sup>ND</sup> FLOOR  
WYOMISSING, PA 19610

Property ID# :

530773-51-0576

Owner: City of Reading, Berks County, PA

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### **EASEMENT AGREEMENT**

THIS AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2009,  
is by and between **THE CITY OF READING**, a body politic and City of the Third Class,  
existing under and by virtue of the law of the Commonwealth of Pennsylvania, with offices  
located at 815 Washington Street, Reading, PA 19601, (hereinafter “**READING**”),  
and

**READING AREA WATER AUTHORITY**, a municipal authority organized and existing  
under and by virtue of the law of the Commonwealth of Pennsylvania, with principal offices  
located at City Hall, 815 Washington Street, Reading, Berks County, Pennsylvania 19601  
(hereinafter “**RAWA**”).

WHEREAS, **READING** is the owner of certain real property situate along River Road  
in the City of Reading, Berks County, Pennsylvania, with parcel ID NUMBER of 530773-51-  
0576, and more particularly described in that certain deed appearing in the Office of the  
Recorder of Deeds in and for Berks County, Pennsylvania, in Record Book Vol. 1023, at page  
334; and

WHEREAS, **RAWA** has need of access to said property for purposes of construction and maintenance of a water Pumping Station, and **READING** is willing to grant to **RAWA** a perpetual easement in connection with the parcel for such purpose.

NOW, THEREFORE, in consideration of the terms, covenants and conditions hereinafter set forth, and intending to be legally bound hereby, the parties hereto agree as follows:

1. The foregoing paragraphs of this Agreement are a part hereof, intended by the parties to be considered in its construction, interpretation and enforcement.

2. **READING** hereby grants and conveys unto **RAWA** a non-exclusive, perpetual easement in gross in, over, under, across and upon that portion of the premises known and designated as Easement 101-2, located within Parcel ID # 530773-51-0576, with an area of 2,983.43 sq. ft, and as shown on Plan of BCM Engineers dated February 23, 2009, which is attached as Exhibit A hereto. Said easement shall be used by **RAWA** as a means of gaining ingress and egress to the aforementioned property for purposes of construction and maintenance of a pumping station, associated water lines and appurtenances to be located thereon.

3. Although the easement hereby granted is non-exclusive in nature, **READING** covenants that it shall not, at any time hereafter, grant or convey to any other any rights within said easement which conflict with the rights herein granted to **RAWA**.

4. **READING** shall keep and maintain the land within the easement hereby granted free of structures and vegetation which would interfere with **RAWA**'s free and unobstructed exercise of the rights hereby conferred.

5. **READING** shall continue to enjoy the use of the land within the easement hereby granted for any and all purposes which do not interfere with or prevent **RAWA**'s exercise of the rights hereby conferred.

6. **RAWA** shall have the right at its sole cost and expense, to record this Agreement with the Recorder of Deeds in and for Berks County, Pennsylvania.

7. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns. The duties of **READING** with respect to the land wherein the easement hereby granted is situate shall run with the land, and **READING** shall have no liability in respect of the same following the termination of its ownership interest in said land.

8. This Agreement may not be altered or amended, except by a writing duly executed by the parties hereto or their respective successors or assigns.

9. This Agreement sets forth the entire agreement of the parties.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives, with the intention that it be effective as of the day and year first above written.

CITY OF READING

READING AREA WATER AUTHORITY

By: \_\_\_\_\_

By: \_\_\_\_\_

COMMONWEALTH OF PENNSYLVANIA :  
 :  
 : SS.  
COUNTY OF BERKS :

On this \_\_\_\_\_ day of \_\_\_\_\_, 2009, before me, a Notary Public in and for the County and State aforesaid, personally appeared \_\_\_\_\_, who acknowledged that he/she is the \_\_\_\_\_ of the READING AREA WATER AUTHORITY, a Pennsylvania municipal authority, and that he/she as such \_\_\_\_\_ and being authorized to do so, executed the foregoing Easement Agreement for the purposes therein contained, by signing the name of the READING AREA WATER AUTHORITY by himself/herself as such \_\_\_\_\_ of the READING AREA WATER AUTHORITY.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

COMMONWEALTH OF PENNSYLVANIA :  
 :  
 : SS.  
COUNTY OF BERKS :

On this \_\_\_\_\_ day of \_\_\_\_\_, 2009, before me, a Notary Public in and for the County and State aforesaid, personally appeared \_\_\_\_\_, who acknowledged that he is the \_\_\_\_\_ of THE CITY OF READING, a Pennsylvania City of the Third Class, and that he, as such \_\_\_\_\_, and being authorized to do so, executed the foregoing Easement Agreement for the purposes therein contained, by signing his name thereto.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

# **EXHIBIT A**

RESOLUTION NO. \_\_\_\_\_

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS  
FOLLOWS:

That Carl Herbein is reappointed to the Convention Center Authority  
with a term ending August 29, 2013.

Adopted by Council \_\_\_\_\_, 2009

\_\_\_\_\_  
Vaughn D. Spencer  
President of Council

Attest:

\_\_\_\_\_  
Linda A. Kelleher  
City Clerk



RESOLUTION NO. \_\_\_\_\_

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS  
FOLLOWS:

That Nicole Mengel-Groff is appointed to the Animal Control Board  
with a term ending May 26, 2012.

Adopted by Council \_\_\_\_\_, 2009

\_\_\_\_\_  
Vaughn D. Spencer  
President of Council

Attest:

\_\_\_\_\_  
Linda A. Kelleher  
City Clerk

R E S O L U T I O N NO. \_\_\_\_\_

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS  
FOLLOWS:

That Dr. Boyd Wagner is appointed to the Animal Control Board  
with a term ending May 26, 1012.

Adopted by Council \_\_\_\_\_, 2009

\_\_\_\_\_  
Vaughn D. Spencer  
President of Council

Attest:

\_\_\_\_\_  
Linda A. Kelleher  
City Clerk

RESOLUTION NO. \_\_\_\_\_

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS  
FOLLOWS:

That Glenn Schmehl is appointed to the Fire Diversity Board.

Adopted by Council \_\_\_\_\_, 2009

\_\_\_\_\_  
Vaughn D. Spencer  
President of Council

Attest:

\_\_\_\_\_  
Linda A. Kelleher  
City Clerk

RESOLUTION #\_\_\_\_\_

A RESOLUTION **EXTENDING** THE TERM OF REAL PROPERTY, EARNED INCOME TAX, NET PROFITS MERCANTILE, AND BUSINESS PRIVILEGE TAXES WITHIN A SPECIFIC GEOGRAPHIC AREA IN READING, BERKS COUNTY, COMMONWEALTH OF PENNSYLVANIA (READING SCHOOL DISTRICT) DESIGNATED AS A KEYSTONE OPPORTUNITY ZONE, KEYSTONE OPPORTUNITY EXPANSION ZONE OR KEYSTONE OPPORTUNITY IMPROVEMENT ZONE IN ORDER TO FOSTER ECONOMIC OPPORTUNITIES, STIMULATE INDUSTRIAL, COMMERCIAL, AND RESIDENTIAL IMPROVEMENTS AND PREVENT PHYSICAL AND INFRASTRUCTURE DETERIORATION WITHIN AREAS OF READING, BERKS COUNTY, COMMONWEALTH OF PENNSYLVANIA (READING SCHOOL DISTRICT), UPON CERTAIN TERMS AND CONDITIONS.

WHEREAS, the City of Reading recognizes the need to encourage investment in a defined geographical area of the City of Reading, County of Berks (Reading School District) bounded as set forth in Attachment 'E' that is experiencing distress characterized by one or more of the following: high unemployment, low investment of new capital, blighted conditions, underutilized, obsolete or abandoned industrial commercial and residential structures, deteriorated tax base, and

WHEREAS, the Pennsylvania Keystone Opportunity Zone Act 63 of 2005, as amended by Act 79 of 2008 (SB 1412) hereinafter referred to as the "Act," authorizes political subdivisions to apply to the Pennsylvania Department of Community and Economic Development (DCED) for an

extension of the term of the applicable benefits within the respective unoccupied portion(s) of the KOZ, KOEZ or KOIZ, granting exemptions, deductions, abatements or credits from all local taxes identified in the Act.

WHEREAS, approval of extending the term of the benefits provided in the Act will result in improving both the economic, physical, and social conditions within the subject KOZ, KOEZ or KOIZ by stimulating existing businesses' employment, creating new employment and diminishing blight; and

WHEREAS, it is expected that increased private and public-sector investors will reverse the disinvestment and conditions of blight within the herein described tract(s) of land by the termination date of the extended term of the zone.

NOW, THEREFORE, BE IT RESOLVED by the City of Reading that effective as of this date, contingent only upon DCED's approval of the application for the Proposed extended term of the existing zone for a period of seven years from the current expiration date of the Zone, currently 12/31/2013. Upon DCED's approval all current local KOZ benefits of unoccupied parcels will terminate on 12/31/2020.

The following provisions shall apply to the extended term:

1. Real Property Tax on the herein described tract(s) is 100% exempt in accordance with the provisions and limitations hereinafter set forth within the boundaries of the Proposed in accordance with the Act, such exemption to terminate 12/31/2020.
2. Earned Income and Net Profits Taxes; Business Privilege and Mercantile Taxes. The City of Reading also waives business gross receipts tax for operations conducted by a qualified business; earned income received by a resident and/or net profits of a qualified business received by a resident or nonresident of the Proposed extended term of the existing zone attributable to business activity conducted with said zone terminating on 12/31/2020.
3. The provisions of the Act not herein enumerated, shall, nevertheless, be incorporated as part of this Ordinance by reference.
4. This resolution shall be effective upon execution, conditioned upon the approval of DCED of the application.

RESOLVED or ORDAINED AND ENACTED by the City of Reading,  
Pennsylvania, this \_\_\_\_\_ day of May, 2009.

ATTEST:

\_\_\_\_\_

By: \_\_\_\_\_

## **RESOLUTION #\_\_\_**

A RESOLUTION REMOVING EXEMPTIONS FROM REAL PROPERTY TAX, EARNED INCOME TAX, NET PROFITS TAX, MERCANTILE AND BUSINESS PRIVILEGE TAX WITHIN A SPECIFIC GEOGRAPHIC AREA IN READING, BERKS COUNTY, COMMONWEALTH OF PENNSYLVANIA (READING SCHOOL DISTRICT), DESIGNATED AS PART OF THE SOUTHEAST KEYSTONE OPPORTUNITY ZONE.

WHEREAS, the City of Reading, Berks County, Pennsylvania on December 28, 1998, by 138-98, resolved to provide tax exemptions within a defined geographical and political boundary of the City of Reading, bounded as follows: PIN # 530620901580, City of Reading Sewage Department, Morgantown Road, Reading, Pennsylvania.

WHEREAS, the Pennsylvania Keystone Opportunity Zone Act 63 of 2005, as amended by Act 79 of 2008 (SB 1412) authorizes political subdivisions to apply to the Pennsylvania Department of Community and Economic Development (DCED) to decertify areas within the respective political subdivision currently designated as a Keystone Opportunity Zone and, as a precondition of such application, to enact a binding resolution/ordinance that removes from the designated and approved geographic area exemptions, deductions, abatements or credits from all local taxes identified in the Act, which resolutions/ordinance will be contingent only on DCED's approval of the application for decertification; and

WHEREAS, the City of Reading is participating in an application to DCED via Greater Berks Development Fund seeking approval to decertify part of the Reading Subzone of the Southeast Region Keystone Opportunity Zone.

NOW, THEREFORE, BE IT RESOLVED by the City of Reading that effective as of this date, and contingent only on, DCED's approval of the application to decertify a portion of the Southeast Region of the Keystone Opportunity Zone Opportunity, Resolution No. 138-98, dated December 28, 1998, is hereby rescinded with respect to the property herein described,

said property is hereby removed from the Reading Subzone of the Southeast Region Keystone Opportunity Zone and all tax benefits provided by the Act to that property are hereby withdrawn.

RESOLVED by the City of Reading, Pennsylvania, this \_\_\_\_ day of May, 2009.

ATTEST:

By: \_\_\_\_\_

By: \_\_\_\_\_



## **AGREEMENT TO PERMIT DECERTIFICATION OF CERTAIN PROPERTY WITHIN A KEYSTONE OPPORTUNITY ZONE**

This **DECERTIFICATION AGREEMENT** is made and entered into this \_\_\_\_ day of May, 2009, by the City of Reading (municipality and property owner) to decertify certain real property located at PIN # 530620901580, City of Reading Sewage Department, Morgantown Road, Reading, Pennsylvania (the "Property") and to remove the Property from the Southeast Pennsylvania Keystone Opportunity Zone (the "Zone").

WHEREAS, on January 1, 1999, pursuant to the Keystone Opportunity Zone Act, Act 92 of 1998 (the "Act"), the Pennsylvania Department of Community and Economic Development ("DCED") designated the Zone a Keystone Opportunity Zone, which includes the Property.

WHEREAS, the City of Reading, as a party with an interest in the Property, may qualify for exemptions, deductions, abatements and credits from taxes identified in the Act by virtue of its interest in the Property; and

WHEREAS, pursuant to the Act, the City of Reading now desires to decertify and remove Property from the Zone.

WHEREAS, such decertification of the Property from the Zone will preclude the City of Reading from receiving future benefits, exemptions, deductions, abatements and credits identified in the Act;

NOW, THEREFORE, the City of Reading, for due consideration, receipt of which is acknowledged, does hereby waive its right to any benefits, exemptions, deductions, abatements or credits granted by the Act, arising from its interest in the Property, effective this date, \_\_\_\_ day of May, 2009.

IN WITNESS WHEREOF, this Decertification Agreement is executed and sealed by the parties, intending to be legally bound, on the day and year first above written.

**CITY OF READING (as MUNICIPALITY and PROPERTY OWNER):**

ATTEST:

BY:

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RESOLUTION #\_\_\_\_

A RESOLUTION AUTHORIZING REAL PROPERTY, EARNED INCOME TAX, NET PROFITS MERCANTILE, AND BUSINESS PRIVILEGE TAXES WITHIN A SPECIFIC GEOGRAPHIC AREA IN READING, BERKS COUNTY, COMMONWEALTH OF PENNSYLVANIA (READING SCHOOL DISTRICT), DESIGNATED AS A PROPOSED KEYSTONE OPPORTUNITY ZONE IN ORDER TO FOSTER ECONOMIC OPPORTUNITIES, STIMULATE INDUSTRIAL, COMMERCIAL, AND RESIDENTIAL IMPROVEMENTS AND PREVENT PHYSICAL AND INFRASTRUCTURE DETERIORATION WITHIN AREAS OF READING, BERKS COUNTY, COMMONWEALTH OF PENNSYLVANIA (READING SCHOOL DISTRICT), UPON CERTAIN TERMS AND CONDITIONS.

WHEREAS, the City of Reading, recognizes the need to encourage investment in a defined geographical area of City of Reading, County of Berks (Reading School District) bounded as set forth in Attachment “A”, that is experiencing distress characterized by one or more of the following: high unemployment, low investment of new capital, blighted conditions, underutilized, obsolete or abandoned industrial commercial and residential structures, deteriorated tax base, and

WHEREAS, the Pennsylvania Keystone Opportunity Zone Act P.L. 705, No. 92, hereinafter referred to as the “Act,” authorizes political subdivisions to apply to the Pennsylvania Department of Community and

Economic Development (DCED) for designation of an area within the respective political subdivision as a KEYSTONE OPPORTUNITY ZONE granting exemptions, deductions, abatements or credits from all local taxes identified in the Act, which resolution/ordinance will be contingent only upon DCED's approval of the application, and

WHEREAS, enactment of such exemption will result in improving both the economic, physical, and social conditions within the Proposed KEYSTONE OPPORTUNITY ZONE by stimulating existing businesses' employment, creating new employment and diminishing blight; and

WHEREAS, it is expected that increased private and public-sector investors will reverse the disinvestment and conditions of blight within the KEYSTONE OPPORTUNITY ZONE by 12/31/2020, being the exemption period the Act provides.

WHEREAS, City of Reading is participating in an application to DCED via Greater Berks Development Fund, seeking approval of the KEYSTONE OPPORTUNITY ZONE.

NOW, THEREFORE, BE IT RESOLVED by the City of Reading, that effective as of 1/1/2010, contingent only upon DCED's approval of the

application for the Proposed KEYSTONE OPPORTUNITY ZONE, the following provisions shall apply:

1. Real Property Tax in the Proposed KEYSTONE OPPORTUNITY ZONE is exempt in accordance with the provisions and limitations hereinafter set forth within the boundaries of the Proposed KEYSTONE OPPORTUNITY ZONE in accordance with the Act, such exemption to run from 1/1/2010 through 12/31/2020.
2. The exemption shall be 100% of the real property taxation on the assessed evaluation of property within the Proposed KEYSTONE OPPORTUNITY ZONE.
3. Earned Income and Net Profits Taxes; Business Privilege and Mercantile Taxes. The County of Berks also waives business gross receipts tax for operations conducted by a qualified business; earned income received by a resident and/or net profits of a qualified business received by a resident or nonresident of the Proposed KEYSTONE OPPORTUNITY ZONE attributable to business activity conducted with the Proposed KEYSTONE OPPORTUNITY ZONE to the exemption date of 12/31/2020.
4. The provisions of the Act not herein enumerated, shall, nevertheless, be incorporated as part of this Ordinance by reference.
1. This resolution shall become effective immediately upon execution, contingent and conditioned upon the approval of DCED of the application with respect to the Proposed KEYSTONE OPPORTUNITY ZONE.

RESOLVED by the City of Reading, Pennsylvania, this \_\_\_\_\_ day  
of May, 2009.

ATTEST:

BY:

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